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THE IDEA OF PUBLIC RIGHT AS  
THE GOVERNING IDEA OF EUROPEAN  
POLITICS . . . . . HOW CAN IT BE  
TRANSLATED INTO CONCRETE TERMS?



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# THE IDEA OF PUBLIC RIGHT

BEING THE FIRST FOUR PRIZE ESSAYS  
IN EACH OF THE THREE DIVISIONS  
OF *THE NATION* ESSAY COMPETITION

WITH AN INTRODUCTION BY

THE RT. HON. H. H. ASQUITH, M.P.



LONDON: GEORGE ALLEN & UNWIN LTD.  
RUSKIN HOUSE 40 MUSEUM STREET, W.C. 1  
NEW YORK: THE MACMILLAN COMPANY

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*First published in 1918*

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## INTRODUCTION

I HAVE looked through the Essays which are here brought together; and, without making myself in any way responsible for the specific proposals of the writers, I think that their publication at this time ought to be of real service, in clearing both the atmosphere and the ground.

The "enthronement of public right" (in Mr. Gladstone's phrase) is an end which, if achieved; would not only justify but repay the incalculable losses, personal and material, of the War. It can only be reached by careful thinking, by patient exploration, and by persistent and concerted effort. The suggestions, both critical and constructive, which are put forward in some of these Essays, seem to me to merit discussion and sympathetic consideration from those who desire that the goal should be attained, despite the manifold difficulties of the way.

H. H. ASQUITH.

*July 1918.*



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## REPORT OF THE JUDGES ON THE PRIZE ESSAYS ON THE APPLICATION OF THE IDEA OF INTERNATIONAL RIGHT

It may be of interest to the readers of *The Nation* for the examiners in a Prize Competition, of which the final result was published on August 11th, 1917, to attempt some summing-up of the impression made on them by the large number of treatises on the great question of the day which have passed through their hands. It may be said at once that the principal effect is to be found, not so much in the sense that any single writer has succeeded in furnishing a novel and satisfactory solution of the problem that is baffling the statesmanship of the world, as that by one writer or another the great proportion of the relevant ideas have been examined from almost every possible point of view, and that the result is accordingly to define the issue more narrowly, to indicate the points upon which all who approach the subject sympathetically tend to agree, and to distinguish those points on which difficulties are felt and which remain matters of controversy.

The essays have naturally represented very different points of view. The majority of the writers have accepted the necessity of the war under the particular circumstances in which Europe in general, and this country in particular, were placed in 1914. Some have accepted it with ardour, others with reluctance. A minority have adopted the pacifist attitude, and have treated the war as equally wrong

for both sides. Differences on this point naturally colour the opinions formed by the writers on the prospect and the conditions of permanent peace and the establishment of an international partnership. To the pacifist there is no solution but the final abjuration of force, not only by nations collectively, but by each nation for itself without regard to the actions of others. The pacifist, therefore, is inclined to regard the international future as depending for its progress on the voluntary acceptance by each nation of the peaceful settlement of disputes. Those who are not pacifists, whatever their shade of feeling towards the present war, lean towards some more concrete set of institutions in which the element of force will not be wholly excluded. But there is one point upon which all the more serious essays agree without, if we recollect rightly, a single exception; that is, the negation of the policy suggested by the Paris Resolutions. The writers, one and all, either tacitly assume or strenuously contend that the maintenance of commercial relations, Free Trade, not in the sense necessarily of the abolition of tariffs, but in the sense of the repudiation of any economic boycott, is the necessary pre-supposition of any harmonious relations between the States of the future; and many point out that Free Trade in the full sense of the term is, if not absolutely essential, at least a most favourable factor in the settlement of national problems and the establishment of peaceful intercourse. Many writers remark, for example, that the problem of delimiting State boundaries, so complicated by questions of access to the sea, would be rendered comparatively simple if there were no question of the interference with the transit of goods. The continual tendency to return to this point in writer after writer who takes up the question, cannot fail to impress the reader with its fundamental importance.

But the question of free commercial intercourse

only touches the conditions of an international settlement. When we come to construction, we naturally find the essays revolving round the conception of a League of Nations. Many essays have dealt with this proposal in a sympathetic and reasonable spirit. The fundamental difficulty of the League is the application of force, and on this issue we have found, as might be expected, a variety of views. The more pacifist writers have repudiated force altogether. At bottom it would seem that their hope for the future lies in an aspiration after a change of heart in men and nations—a very desirable event, but not one which it is easy to promote by any definite act of statesmanship. Some, however, have argued, not without force, that the mere provision of an adequate and permanent machinery for the peaceful settlement of disputes may engender the habit of mind for which they hope, and have laid stress upon the historical development of arbitration during the two generations preceding 1914.

The more constructive essays, on the other hand, contend that the use of force by a League of Nations against a single recalcitrant member is in idea and principle quite opposed to a war waged by nations, for which each is judge in its cause. It is analogous rather to the maintenance of order within an unruly State by a central power which has not yet firmly established itself, and which will do so only by the strong hand. Those who reach this point of view, however, find it difficult to make sure that the force would be available. Some essayists betray a tendency to glide over this weak spot too easily. The wiser, as we think, face it frankly; some admitting that it is a problem which can only be solved by experiment, some desiring that the element of force should be kept in the background, and relying a good deal on the alternative policy of the economic boycott, the efficacy of which is ably urged in some of the essays, though it is also recognized that it would

be of very unequal incidence. It would have been extravagant to expect that any writer should suggest a solution of this problem which should be immune to criticism. To read successive attempts to deal with it is only to be the more impressed with the uncertainty of the issue, and yet at the same time with the conviction that the experiment is worth the making.

The different lines of approach followed by the essayists have an interest of their own, and have served to relieve the monotony of the examiners' task. Some have approached the question primarily from the historical point of view, reviewing past tendencies towards international action, dwelling on the history of the Holy Alliance, the development of the European Concert, the experiments in arbitration witnessed by the nineteenth century, and the establishment of the Hague Tribunal, a line of argument indicating that the independent national State is not the last word in political organization, but that there are germs of higher things which may perhaps be matured by the catastrophe which has seemed to destroy them. Other writers are more interested in the analysis of ideas. They have discussed nationality, sometimes with considerable insight into its practical difficulties. They have examined the notion of international right, and in particular some writers have dealt with the Hegelian conception of the State. In this connection, it may be remarked that the quotations from Mr. Asquith's speeches set out as the text of the essays have served their purpose remarkably well. A clear-headed writer has always been able to frame a consequent and systematic argument upon the basis of Mr. Asquith's definitions. In this sense, the essays may be said to have served in a manner as a searching test of the logical cogency and coherence of Mr. Asquith's principles, and the way in which they stand the test is a tribute to the solidity and sound-

ness of the terms in which the late Prime Minister defined the purposes of the Allies.

In conclusion, we would add a word as to the essays of the working men and women in Division III. A number of these essays attained a standard which might surprise some who are not acquainted with the work of the Workers' Educational Association. Under the influence of this and other educational agencies, numbers of men and women of the working class are now equipped with the training of a student, not only reading, but understanding how to read critically and to express their ideas on paper. Several of these essays, in our judgment, exhibit a firm grasp of the essentials of the problem, a competent knowledge of the historical facts bearing on the issue, and no small power of analysing the conceptions required in its treatment. If the workman student is distinguished from others, it is perhaps by the tendency to a too easy acceptance of ideals. The hard matter-of-fact world in which he lives does not appear to make him so critical, not to say sceptical, when he comes to apply ideas to actuality, as the world of history or philosophy makes the professional student.

A. J. GRANT.  
L. T. HOBHOUSE.  
THE EDITOR.



THE following announcement of the Competition appeared in *The Nation* of December 9, 1916.

### AN ESSAY COMPETITION.

The Proprietors of *The Nation* propose to offer a series of Prizes for ESSAYS on the following subject :—

*“ The idea of public right as the governing idea of European politics . . . how can it be translated into concrete terms ? ”*

The subject for the Essays is outlined in Mr. Asquith's speech at Dublin, on September 25, 1914. The context is as follows :—

“ I should like, beyond this inquiry into causes and motives, to ask your attention and that of my fellow-countrymen to the end which, in this war, we ought to keep in view. Forty-four years ago, at the time of the War of 1870, Mr. Gladstone used these words. He said: ‘ The greatest triumph of our time will be the enthronement of the idea of public right as the governing idea of European politics.’ Nearly fifty years have passed. Little progress, it seems, has as yet been made towards that good and beneficent change, but it seems to me to be now at this moment as good a definition as we can have of our European policy. The idea of public right—what does it mean when translated into concrete terms? It means, first and foremost, the clearing of the ground by the definite repudiation of militarism as the governing factor in the



relation of States, and of the future moulding of the European world. It means next that room must be found and kept for the independent existence and the free development of the smaller nationalities, each with a corporate consciousness of its own. Belgium, Holland, Switzerland, the Scandinavian countries, Greece, and the Balkan States—they must be recognized as having exactly as good a title as their more powerful neighbours—more powerful in strength and in wealth—to a place in the sun. And it means finally, or it ought to mean, perhaps by slow and gradual process, the substitution for force, for the clash of competing ambition, for groupings and alliances, and a precarious equipoise, of a real European partnership based on the recognition of equal right and established and enforced by common will. A year ago that would have sounded like a Utopian idea. It is probably one that may not, or will not, be realized either to-day or to-morrow, but if and when this war is decided in favour of the Allies it will at once come within the range and before long within the grasp of European statesmanship.” (*Authorized edition of the Speech revised by Mr. Asquith. Methuen, 1d.*)

At the Queen’s Hall, London, on August 4, 1916, Mr. Asquith made a similar declaration, with the addition of a reference to the extra-European world, which is given for purposes of comparison :—

“ Early in the war I quoted a sentence which Mr. Gladstone used in 1870. ‘ The greatest triumph of our time,’ he said, ‘ has been the enthronement of the idea of public right as the governing idea of European politics.’ Mr. Gladstone worked all his life for that noble purpose. He did not live to see its attainment. By the victory of the Allies, the enthronement of public right here in Europe



will pass from the domain of ideals and of aspirations into that of concrete and achieved realities. What does public right mean?

"I will tell you what I understand it to mean—an equal level of opportunity and of independence as between small States and great States, as between the weak and the strong; safeguards resting upon the common will of Europe, and, I hope, not of Europe alone, against aggression, against international covetousness and bad faith, against the wanton recourse in case of dispute to the use of force and the disturbance of peace. Finally, as the result of it all, a great partnership of nations federated together in the joint pursuit of a freer and fuller life for countless millions who by their efforts and their sacrifice, generation after generation, maintain the progress and enrich the inheritance of humanity." (*The Times*, August 5, 1916.)

Essays are to be written on the above statements made by Mr. Asquith.

In estimating their value the Judges will consider how far the writers have dealt with the points enumerated in the two quotations above, and how far they have succeeded in suggesting an international arrangement in harmony with Mr. Asquith's conception. The Judges will look for evidence of an understanding of the vital issues raised by the problem. Writers should indicate the true implications of Mr. Asquith's utterances. Essays will be judged by quality and not by length. The question of literary form is left entirely to the competitors.

### PRIZES.

Prizes are offered in three divisions as follows:—

*Division 1.*—Open to all men and women in Great Britain and Ireland.

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1st prize	..	..	..	100 guineas
2nd prize	..	..	..	50 guineas
10 prizes of 2 guineas each				

*Division 2.*—For ministers, teachers, etc.

1st prize	..	..	..	50 guineas
5 prizes of 10 guineas each				
25 prizes of 2 guineas each				

*Division 3.*—Working men and women.

1st prize	..	..	..	25 guineas
5 prizes of 5 guineas each				
25 prizes of 2 guineas each				

### DIVISION I.

This division is open to men and women resident in Great Britain and Ireland. The Essays must not exceed 14,000 words in length.

### DIVISION II.

This division is open to men and women, resident in Great Britain and Ireland, who are at present engaged in teaching; clergymen and ministers, including local preachers; and men and women who can give evidence that they have been engaged in voluntary public or social work. Essays must not exceed 5,000 words.

*Note.*—University professors and University Extension lecturers are excluded from this division, since the object of offering prizes in separate divisions is to ensure that no thoughtful person shall be deterred from competing by the fear of too severe competition.

### DIVISION III.

This division is open to *bona fide* working men and women. The essays must not exceed 5,000 words in length.

JUDGES.

The Judges will be :—

PROFESSOR A. J. GRANT, M.A.

PROFESSOR L. T. HOBHOUSE, D.Litt.,

and

THE EDITOR OF *The Nation*,

and their decision will be final.

CONDITIONS.

The full conditions applying to this Competition will be sent to all persons who apply for them to the Offices of *The Nation*, 10 Adelphi Terrace, W.C. Applications should be marked "ESSAY COMPETITION," and applicants should enclose a stamped addressed envelope.

NOTE.

All the Essays in this volume  
were written before the 31st  
March, 1917.

THE FOLLOWING ESSAY BY  
EMILE BURNS  
("BASSETERRE")  
SHARED THE FIRST PRIZE OF  
100 GUINEAS IN DIVISION I  
WITH THE ESSAY, WHICH FOLLOWS IT, BY  
. HUGH H. L. BELLOT, D.C.L.



## By "BASSETTERE"

### I

It is said that the authorities of a certain club were unable, after weeks of sober thought, to state the meaning of the official tenets to an applicant for membership. This is something more than a cynic's tale, and we need not ask whether the jesting Pilate waited for an answer. Years before the date of this story Mr. Graham Wallas had argued that a popular cry, though it may have concrete associations, never has any real meaning for those that use it. Passionate adoration of the concrete is a weakness inherent in human nature ; but human nature is too noble a thing to live on the concrete alone, and the spiritual existence of the man in the street would be impossible without his catchwords and phrases. The practical man makes obeisance to the abstract before passing on to the concrete.

The politician therefore deals in phrases and facts, but he does not attempt to trace a connection between his phrases and his facts. From a phrase which touches the heart to an object on which the new-made emotion may fix—that is the process whereby politicians lash the inert masses into action. But in the leap from the phrase to the concrete expression a wide ravine is crossed, and unless this ravine is bridged by definition the fruit of the mental process—the concrete expression, the translation of the principle into terms of practical life—must be, at best, inadequate. Hence it was that Mr. Asquith's partnership of 1914 was expressed as a partnership of States, in which elaborate measures had been taken to prevent the dissolution of the partnership,

although no attempt had been made to settle what were to be those positive activities which alone could justify its formation. The partnership might have aimed at combined exploitation, or, like the Holy Alliance, at combined oppression; yet, so long as the division of the spoils had been carried out without bloody disputes between the thieves, and so long as the lamb and the wolf had each secured an equitable proportion, the claims of public right would apparently have been satisfied. The 1916 speech was supremely important, not merely because it admitted non-European States to the partnership, but chiefly because it laid down the aim to be worked for—"the joint pursuit of a freer and fuller life for countless millions who by their efforts and their sacrifice, generation after generation, maintain the progress and enrich the inheritance of humanity."

Such a conception of public right is far removed from the ideal of International Law. It is the conception of a positive end to be attained, of an impelling force to good rather than a restraint from evil. International Law makes provision for breaches of trust, breaches of etiquette or of good conduct; it looks backward, crystallizing the losses as well as the gains of the past; while public right provides the aim towards which, in tortuous courses, as the earth to Sirius, humanity is progressing. International Law speaks of reparation, punishment, safeguards, guarantees: "a freer and fuller life, the progress, the inheritance of humanity" is the language of public right.

What is the progress, what the inheritance of humanity? If our view is correct, the progress and the valuable inheritance of humanity consist in those positive achievements which have given to individual men and women the possibility of a freer and fuller life. Judged from this standpoint, such an inter-State arrangement as the Postal Convention



meant real progress, while the Geneva Convention was unimportant ; again, the rights of nationalities, small or great, are the rights of their members—a pregnant deduction. For while, in a sense, public right cannot consider the cases of particular individuals, it can and must take account of great masses of individuals, whether organized into politically independent units or not. And yet, in its concrete expression, public right must depend on and work through the State organizations of peoples. This is no obstacle : rather the reverse. Through the existence of States the problems of international relations have been narrowed ; the number of States is small, and their interests, in well-defined directions, are not dissimilar. The organization of States into a partnership is in essence as simple a process as the organization of existing trade unions into a federation. A flash of insight, a concerted action between a few leaders, may in a moment transform anarchical independence into the dependence of a partnership. When that insight comes, the leaders will be more concerned in determining the positive objects and methods of the partnership than in determining how to deal with possible breaches of trust.

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## II

Much of the inheritance of humanity is not valuable. Much hinders, rather than furthers, progress towards a freer, fuller life ; so much, indeed, that there is little hope of any concerted action towards positive goals until the ground has been cleared. The inheritance of humanity consists, in its most concrete terms, in innumerable material and spiritual objects which subserve life : wealth in its manifold forms, art in its various expressions, and above all, institutions which mould the types and the

opportunities of life for the present and succeeding generations. The concrete expression of public right cannot be a statement of all that constitutes free and full life for the individual. The fundamental basis of a free and full life may be a certain quantity of food and drink, certain opportunities of development, certain rights of government; but any attempt at the concrete expression of public right, though it must never lose sight of the claims of individuals, must seek to satisfy those claims in the mass. The needs of the countless millions must be expressed, as it were, in a formula, in an institution which contains within itself the possibility of satisfying their innumerable claims. Through such institutions the idea of public right must work towards realization.

In the civilized world of the present day the most important of these institutions is the State. Millions of people inhabiting certain geographical areas are utterly controlled, in the last resort, by an organization of government. It is true that even in the most highly developed State the control does not cover all the activities of the individual citizens. In most countries, in normal periods, a poet may write poetry or a baker bake bread; but it is nevertheless true that the State moulds the general type of life for the individual in so far as it determines, within however broad limits, the opportunities of material and spiritual progress. Because of this fact the State has infinite powers for good or evil, and the group can hope for little progress unless its State makes that progress possible. But there is a further point. It is possible to imagine a State controlling the destinies and conditions of a perfectly isolated and self-dependent group; but the historical State has lost in isolation and self-dependence as it gained in extent and civilization. Hence has arisen a mass of pre-conditions to growth which are uncontrolled by any one State, and,

except in a few instances, are uncontrolled by any organization whatever. It is not that relations between groups are fundamentally more difficult to control than relations between individuals. Relations between States differ from relations between individuals within the State chiefly in the degree of organization which has been effected. If we compare the vast fabric of State government with the tiny structure of diplomacy, we cannot wonder that the problems of international relationships are as yet unsolved. The body of civil law within the State has some slight counterpart in inter-State law, but the body of criminal law, which within the State is supremely important for the unfettered development of the individual, has no such counterpart. The purpose of criminal law is to assure to each individual physical and material security, without which freedom and productive life are impossible. This is not to say that the criminal law assures absolute security within the State ; in fact, few of the subtler forms of insecurity are as yet under control. But it is nevertheless true that within the State the grosser forms of insecurity—crude physical danger, material robbery—have been organized out of existence, while as between States there is as yet no security even on the grosser physical plane.

Security is the condition of all progress—security against nature and wild beasts in the earlier stages, security against nature and wild men in the later stages. This is not to say that whatever exists must be retained—which is the spirit of International Law and the Congress of Vienna. Such security would be the negation of progress in so far as the past has erred. The security demanded by public right is the security of mankind's valuable inheritance and unfettered development rather than the immutability of all existing institutions. It was European security in this latter sense that England refused to maintain in the years after 1815 ; it is

international security in the former sense that President Wilson has now brought within the sphere of "practical" politics.

The danger in inter-State relationships is often envisaged as the danger of the overthrow of one political institution by another. Therefore, it is thought, as small States are weaker than great States, the problem of the future is the safeguarding of the weak against the aggression of the strong. Hence Mr. Asquith's reference to "the smaller nationalities, each with a corporate consciousness of its own." But it may be doubted whether, for example, the apparent insecurity of Denmark has hampered the progress of humanity to such an extent as the less apparent insecurity of Germany and England during the years of peace. The constant preparation for war means not only the waste of wealth that might be used for more human purposes; it means also the psychological poisoning of the nations, the abstraction of much of the national vigour and intelligence from the service of life to the cult of death. Security therefore, though essential to the smaller nationalities, is also, and more especially, necessary to the development of those wider groups known as the Great Powers. And security is so essential to the progress of all the peoples of the earth that Mr. Asquith was right in declaring that the first step towards the establishment of public right must be "the clearing of the ground by the definite repudiation of militarism as the governing factor in the relations of States." Militarism so used has a clear meaning—war and the threat of war; it has nothing to do with any evil Imperialism, lust for domination or for blood. So used, militarism is understood as the employment of force, active or dormant, for the purpose of deciding problems which arise out of the relations between States. It makes no difference whether the solution sought or attained by militarism is good or evil;

the process of seeking a solution by means of force is itself condemned. Nor need Mr. Asquith rely on any abstract formula to justify his statement. The hindrance to progress comes not merely in the actual destruction of life, not merely because war in itself destroys much of the material and spiritual inheritance of humanity, but chiefly because, as long as militarism is the accepted method of adjusting inter-State relationships, the very process of militarist preparation is itself a constant hindrance to any positive advance. Because this is so, the former conception of security, the conception of military self-dependence—*si vis pacem para bellum*—is fundamentally unsound. It is true that the idea of military self-dependence must lead in practice to the European anarchy of world-rivalry and competition for supremacy in armaments, out of which fear inevitably begets war. But it is far more important to realize that even if the doctrine of preparedness were sound in practice, even if the military self-dependence of the Powers were to ensure peace, such a peace would have been bought at the cost of its soul. For the peace demanded by public right is not an end in itself, but merely a condition of progress, and substantial progress is impossible when a large part of the country's wealth and energy is permanently absorbed in unproductive effort.

The institution of militarism is, then, an evil part of the inheritance of humanity. But it has not been a merely extraneous and aimless growth; the causes which called it into being still exist, and it cannot be removed like the human appendix. There are such things as the relations between States; in the course of normal development, apart from imperialistic lusts, difficulties arise in the adjustment of these relations. If war is to be abolished, another institution must take its place.

The normal machinery for the adjustment of

relations between States is diplomacy—bargaining between the representatives of States. In modern times subsidiary machinery has been developed—permanent international commissions to deal with such continuous questions as posts and telegraphs ; special conferences to deal with acute problems, as in the case of the Balkans or Morocco ; and arbitration has been used in a few cases. But hitherto there has been no certainty that any single difficulty would be settled without war. And so, in spite of the benevolence of diplomats, all their contrivances are coloured throughout by the fact that, in the last resort, the argument of force is the only one that carries weight. Diplomacy in itself is an excellent thing ; it arranges innumerable relations between States, as individual men may enter into many contracts with one another. What must be cleared away is not diplomacy, but the militarism which in the present situation is the inevitable accompaniment of diplomacy.

How is the argument of force to be prohibited ? A great deal may certainly be done by the establishment of peaceful methods of settling disputes which diplomacy fails to settle. It is cogently argued that the mere existence of a permanent panel of arbitrators, a permanent Court of Arbitration, or a permanent Council of Conciliation would make war infinitely less likely to occur than it has been in the past. So, it may be argued, all that need now be done is to provide easy and ample opportunities for settling disputes without war, and the rest may be left to chance or to a growing humanitarianism. This solution seems all the more desirable to those to whom the use of force is in itself abhorrent, or to whom the organized use of force seems even more menacing than its anarchic use. There are others, again, who think that any further step is for the moment impracticable. But although the establishment of elaborate peaceful machinery is



undoubtedly necessary, it would not abolish militarism as a diplomatic method ; and the experience of the past shows that but little would have been done to achieve security. In really vital questions, disputes would only be submitted to peaceful methods of adjustment after a militarist diplomacy had made the difference acute.

As long as States rely for security upon their own armaments diplomacy and militarism must go hand in hand, and militarism will be employed alike by the just and the unjust. The institution which makes possible the peaceful settlement of disputes must at the same time give to each State a real measure of security, just because the desire for security plays as large a part in militarism as the desire for a powerful diplomatic argument.

Now, it is true that, given goodwill, a general agreement to avoid militarism is simplicity itself, just as, in the warming atmosphere of a conference, the delegates of States may in full sincerity agree to avoid the use of explosive bullets in war. But when the atmosphere changes from the warmth of humanitarianism to the heat of a State controversy, and it is found that explosive bullets have their uses, it is inevitable that pledges should be forgotten. This is so because the immediate advantage to the State, especially in the minds of short-lived statesmen, must outweigh the ultimate harm to humanity ; and so it is certain that a mere agreement to avoid war would not eliminate the possibility of war, and therefore would not provide security. The institution which is needed to provide security must, as it were, boil down war's ultimate harm to humanity into a tabloid of immediate harm to the State which uses war : the disease of militarism must be treated with an immediate evil dose. It must, in fact, make militarism cease to pay, and this can only be done by the joint action of States to negative the undoubted practical advantages which militarism gives. And

here we meet the old difficulty once again: joint action can only be secured by agreement, which is no doubt possible in times of peace, which has even been rendered probable by the recent course of events so ably shepherded by President Wilson—but, when the time of stress comes, *quis custodiet ipsos custodes?*

It is impossible to dismiss this as a mere debating point. It is impossible to look forward hopefully to the future with a cheerful disregard of the lessons of the past. States do not, in fact, carry out all their agreements; above all, no State will place unlimited confidence in the promises of other States. If this is true, it is impossible to discount the mesh of intrigues and subsidiary alliances which, perhaps genuinely conceived as increasing the rightful security of the individual State, will undoubtedly arise and will equally without doubt bring the whole fabric of internationalism tottering to the ground. The problem must be faced, and if in the long run the basis of hope must be a certain confidence in humanity, this confidence need not be a blind religious faith. It may be that an analysis of the present situation may give some adequate grounds for a confidence which, in its mere expression, is rightly dismissed by the unthinking.

Such an analysis was attempted, in the early days of the war, by the authors of *The War and Democracy*. To them—if a bald summary of such a carefully reasoned and comprehensive work may be attempted—the ground for confidence lies in the actual achievements of the democratic form of State. The masses of the peoples want neither war nor the policies and ambitions that lead to war; but in few countries, if in any, have they any adequate control of the political machine. Those countries in which the political machine is in the hands of bureaucratic or sectional interests themselves contain the seeds of war, and the road to



internationalism must lie through the formation of democratic, and hence national, States. This line of argument evokes all liberal emotions, and its bearing on the present situation cannot be disputed. But the suggestion that the only hope of internationalism lies in universal democracy is disheartening—as disheartening to many as Rignano's suggestion, that the way to universal peace lay through woman suffrage in Prussia, was to Professor Ramsay Muir. Something is needed for the immediate situation: the democratic era is no more satisfying to the present hunger than the proverbial carrot. In spite of revolutions and revolutionary tendencies it is extraordinarily unlikely that any real progress towards democracy will be made, even in Europe, within a measurable distance of time. For democracy is not achieved with the erection of a Parliament, however broad the franchise. Parliament itself is merely the institution through which, in time, democracy may be realized. To all liberal thought the idea of democracy must be tremendously appealing, and must hold out prospects, far-off and misty enough perhaps, but yet prospects, of Elysium. Yet even the most sanguine liberal cannot but realize that there is some force in the common reactionary argument, which proceeds from the phrase "human nature being what it is," to conclude that the labour of mountains can produce nothing but mice. Even the most sanguine liberal cannot but realize that, however perfect the control of the masses over the Government, the control of the Government over the masses is more perfect still. And it is more perfect just because of the machinery of democracy and the need to cultivate "consent." The autocratic Government may restrain action, but this very restraint stimulates thought; the democratic Government may restrain thought while it stimulates and guides action. In point of fact, there is probably no single matter in which all

Governments, whether formally autocratic or democratic, are so dependent on the fundamental conception of democracy—consent—as in the matter of war.

And it is in this fact that the justification for our hopes of internationalism is to be found. It is here that we discover the guardian of the guardians. In some distant age a super-State may control all the armed forces of the world, and disorder between groups may be crushed out even more effectually than disorder between individuals under the present sovereign States. But that is too distant a prospect to console us now. The national temper which would admit such a solution does not exist. The control of the individual State cannot be wholly external. It must come primarily from the group which is governed by the State; and, so far, the thesis of *The War and Democracy* seems justified. But although the general and enlightened control of policy by the masses is at best a distant, even if attainable, ideal, there can be no doubt that in the one matter of war—of whether they shall be used as gun-fodder or not—the masses have the ultimate control even now. That they have not hitherto used this control in the direction of peace is not due primarily to their presumed combative instincts, but to their ignorance in allowing these instincts to be exploited. But it is important to realize that it is not only in external affairs that they allow their ignorance to be exploited. The problems of foreign policy are not essentially more complicated or more difficult to understand than the problems of home policy; in both sets of problems the solution arrived at by the masses is certain to be the product of inadequate information and of a sentiment which may or may not grotesquely distort even such information as they have it in their power to gain. The result of a referendum, say on the question of adopting a special scale of State endowment of maternity, would be the product

of unreasoned prejudice and sentiment rather than of any real appreciation of the moral and economic issues involved. The result would, in fact, be largely the product of the amount of organization and advertising used by the advocates or opponents of the scheme. A referendum on the question of whether England should oppose Germany's acquisition of a certain portion of the Congo would have been subject to exactly similar influences. Every political problem is, in one sense, too difficult for the lay mind, just because of the fact that the lay mind is too much preoccupied with other and more personal affairs. But if a referendum were taken on another type of internal political problem—whether, for example, trade policy should be settled in a single-handed encounter between Mr. Asquith and Mr. Bonar Law or by the constitutional methods of Parliament—it is certain that not even the picturesqueness of the former method would ensure its adoption. Why is this? Is it because the masses are more certain that the right result would be arrived at by the parliamentary method? It is not necessary to suppose that any logical process of reasoning would have been at work. The result would have been rather the outcome of a sentiment that has been gradually shaped with the development of the constitutional method, the strictly conservative sentiment of custom and of respect for the law. In its simplest terms, habit, not reason, would have decided the result; the knowledge of the constitutional method and the habit of seeing it in operation and of using it.

This, then, is the basis for hope. Even in a democratic State the masses cannot be trusted to form an adequate judgment on the merits of a complicated problem, still less on problems which are thrust suddenly before them and are necessarily sensational. But where the problem is strictly confined to a question between constitutional procedure

and anarchy, the masses, even in the most autocratic State, may be trusted to reject anarchy. If this is the case, international peace need not be kept waiting at the doors until all the houses are democratically and nationally ordered within, or until all the inhabitants are sufficiently educated and morally ripe enough to choose, in a given situation, the reasonable solution. It will be enough if a general constitution is drawn up, simply and shortly defining the methods that are to be employed in the solution of international problems. It is not possible to educate the public sufficiently to enable them to judge adequately and in a moment the rights and wrongs of any complicated problem. There is no reason to believe that the masses would adopt the right, or even a reasonable, solution of an international difficulty, not because they are bellicose or immoral, but because they are necessarily dependent for the information on which they must base their judgment on highly organized interests working through the party machines, the press, the pulpit, and the school. But the political facts of the present day justify the conclusion that if the problem is made simple enough by the adoption of certain rules of constitutional procedure, the psychological process of habit and respect for law will ensure the unreasoning but certain and instinctive support of these rules by the great mass of individuals living under the control of any type of State. It is not necessary to have the pious belief that a more elaborate machinery of democratic control in all the countries of Europe would have prevented war in 1914. But every State found it essential to move the masses into action by assuring them that the conditions of a just war had arisen. The masses had no constitutional rule to fall back upon, no criterion by which to judge the situation; the force of habit suggested immediate obedience to the State Government. Had there been a constitutional rule, had

there been a provision that any recourse to arms—mobilization itself—was illegal except under certain specific conditions, it is not too much to believe that a Government which attempted an illegal, unconstitutional recourse to arms would have fallen a victim to its internal guardians.

It is true that any such conclusion must be based on a personal estimate of probabilities. It is not possible to give a clear and convincing proof that the members of even a small society will act in a certain way under conditions that have not hitherto been fulfilled. But the person with any political sense who considers the innate universal respect for the constitutional and the legal, and also the attempts made—and necessarily made—by all warring Governments to persuade the peoples of the formal justice of their cause, will realize that there is real ground for hope that the very adoption of a constitution defining just and unjust methods of settling international problems will in itself go far towards the prevention of war. Such hope is based, not on a vague belief in the virtue and morality of the human race, but rather on a deduction from actual facts which can be observed in operation—facts themselves without moral significance, facts almost purely psychological, and, therefore, for the comfort of the practical, “scientific.”

### III

It may be held that the foregoing argument proves that war may be totally abolished by making all war constitutionally illegal. But it is certain that the remedy would fail if it were too drastic; in the present state of affairs such a constitution would not be taken seriously. Apart from this very important consideration, it is not at all likely that any existing State would agree to stamp all warfare

as illegal. Nor would it even be right, in the opinion not only of war-mongers, to create a situation in which organized resistance to force would be impossible, for the danger of aggression on the part of a group cannot be wholly ignored. Even far-sighted statesmen would hesitate to place reliance on an international system which made no provision for the use of force to counter anarchic group action, however improbable such action had been made by the mere adoption of a constitution. Statesmen would still live on in the notions of military self-reliance, and security in the wider sense would not have been attained.

Since the war began hundreds of schemes for the preservation of peace have been devised. The scheme of the American League to Enforce Peace possesses immense merits because of its simplicity, its clear definition of an "unjust" war, and its deference both to the principle of force and to the State anarchy involved in the doctrine of sovereignty ; it is, in fact, a thoroughly modest and practical proposal, and there is no doubt that its main principles will form the basis of the future League of Nations. The American League proposes that each member of the League of Nations shall be pledged to observe the following conditions :—

#### ARTICLE 1.

All justiciable questions arising between the signatory Powers, not settled by negotiation, shall, subject to the limitations of treaties, be submitted to a judicial tribunal for hearing and judgment, both upon the merits of the case and upon any issue as to its jurisdiction of the question.

#### ARTICLE 2.

All other questions arising between the signatories and not settled by negotiation, shall be submitted to a Council of Conciliation for hearing, consideration, and recommendation.



## ARTICLE 3.

The signatory Powers shall jointly use forthwith both their economic and military forces against any one of their number that goes to war, or commits acts of hostility, against another of the signatories before any question arising shall be submitted as provided in the foregoing.

## ARTICLE 4.

Conferences between the signatory Powers shall be held from time to time to formulate and codify rules of International Law, which, unless some signatory shall signify its dissent within a stated period, shall thereafter govern in the decisions of the judicial tribunal mentioned in Article 1.

It will be seen that war is an unconstitutional method of attempting to settle a dispute except in three well-defined cases, (1) where the enemy is not a member of the League; (2) where the enemy, though a member of the League, has attacked, refusing to submit his case to judicial tribunal or council of conciliation; (3) where either belligerent, though both are members of the League, and though both have observed the constitution, is unwilling to accept the recommendation made by the international organ.

It is difficult to see how it would be possible to lead the people in any country to believe that the conditions of a just war had been fulfilled when in fact they had not been fulfilled. The conditions are simple enough to be easily understood, and if the desire for legality and the instinctive adherence to the constitution are real facts, it is reasonable to suppose that no Government would be able to initiate or carry on a war in direct opposition to the constitution. But Article 3 is designed to provide for the extreme case of anarchic action. The real justification for this clause is that it provides not only a collateral security, to be relied on when the first fails, but also a direct reinforcement of the security achieved under the previous clauses. For

it is commonly acknowledged that the masses are stirred to take part in war not merely by the assurance that the end sought is just, but also by the assurance that war is a sure means of attaining that end. It is much more difficult to stir them to action, whatever the cause, if it is fairly clear to them that they will be defeated; and the overwhelming combination which—at least in the popular mind—would attack the unconstitutional war-maker, must make the masses more stable in their respect for the constitution and in their desire to be satisfied that, as far as their State is concerned, the conditions laid down by the constitution are actually fulfilled.

Whether in fact it is probable that the States joining the League would unite to use force against the illegal war-maker is another matter. It is most important that the obligation laid on any particular State should not be disproportionate to its actual strength and power of resistance. If, for example, Belgium were expected to join in the military coercion of Germany or France, the obligation laid on her would be infinitely more serious than the similar obligation on England; in fact, no statesman of a small and comparatively weak State would be justified in joining a League on such terms. But it is far from necessary that all States should subscribe to such a clause as Article 3 of the League's proposals: symmetry in a matter of this sort would be the gravest injustice. The obligation of Article 3 should be confined to the Great Powers, none of which would hesitate to bind themselves to combine forces for the coercion of the illegal war-maker; and the combination of the Great Powers alone would be intimidating enough. It has been suggested that the employment of military force is unnecessary, and that for many reasons it would be better to limit joint action to the economic sphere. But it is hardly possible to conceive any effective economic action



which would not involve armed support ; and it is important that the ultimate liability should be clearly stated.

Even on the assumption that the constitutional agreement is maintained by the signatory States, it may be objected that but little security will have been achieved. If any State desires war it will be possible for it to satisfy its desire at a few months' notice without bringing a hornets' nest about its ears. This is true. But the preliminary need to state its case, to state the objects which it desires and to advance the grounds on which it believes its desires to be justified, must do much to minimize a danger which can never be wholly removed. Even at the end of a few months the support of the people would still be necessary. The statement of the case and the recommendation of the Council of Conciliation could not fail to give the people of the country a much truer conception of the justice of the aim and the method than is possible under present conditions, even in the most democratic State. Again, it is often said that it would be impossible to define war or acts of hostility in such a way that it would be easy to distinguish the real aggressor. No doubt this is true to some extent ; but it must be pointed out that it is not at all necessary for the International Council to order a joint use of force when the first rumours of aggression come to hand. If either party, whether in fact aggressor or defender, refuses an armistice and an inquiry into the facts and points at issue, the joint forces of the League would be brought into play. A border raid of Cossacks or Uhlans could not be prevented ; but a border raid could be prevented from developing into a meaningless slaughter of nations. The main advantage, however, that would certainly be gained by such an institution is that the character of diplomacy would be changed. Diplomacy would tend to argue on the real merits

of the case at issue, knowing that the only hope of receiving a favourable verdict, first from the international jury, and then from its own people, lay in the statement of a reasonable cause. Armaments would cease to be a diplomatic necessity; and the road to gradual disarmament would lie open. It is not possible to be sure of more than this. But a great advance would have been made; insecurity would have been replaced by a measure of security; international conceptions would be forced into the minds of diplomats, and in the warm, moist atmosphere of conferences the seeds thus sown might germinate. The idea of international security would have been embodied in an institution.

The scheme of the American League to Enforce Peace contemplates the erection of a double international organ, the first part to settle legal questions, the second to recommend solutions of wider problems. The precise jurisdiction of the judicial tribunal might well be left to the Court itself in the first instance, but the right of appeal to the Court of Conciliation must be provided, for the challenge of jurisdiction would almost certainly mean the belief that a legal solution would be inequitable. The ultimate burden of reconciling conflicting interests must in any case fall on the Council of Conciliation. The smaller States have refused, and in all probability will always refuse, to have less voice than the Great Powers in the supreme Council of Nations. Siam, as an independent sovereign State, claims equal rights with the British Empire; in some ways this seems absurd; but the degree of absurdity depends on the precise functions of the Council. There is not the least reason, for example, why Siam should not have rights equal with those of Austria-Hungary in maintaining the independence of Serbia or the territorial integrity of Belgium. In fact, liberty is more likely to be respected if the smaller States have it in safe keeping, secure from any combined

pressure by Empires. On the other hand, it would obviously be absurd for Switzerland to have equal rights with the British Empire in determining International Maritime Law. But the fundamental purpose of the Council of Conciliation is the maintenance of liberty and peace, and other international organs must deal with other questions.

If the argument of the preceding pages is justified, the most important point for the successful working of the organization of nations to prevent war is publicity. In the first place, the duties imposed on the State by membership of the League of Nations should be made known to every individual. The signatory States should be induced to distribute to their peoples a jointly prepared statement of the conditions and aims of the League. This is not a mere democratic whim ; it is of real importance for the observance of the constitution, and would provide the only safeguard or guarantee of any value. In this way the ultimate source of power—in a very real sense, in so far as war is concerned—may be tapped, and enabled to bring its power into effective play. It is also necessary that the proceedings, as regards both arbitration and conciliation, should be published in full and immediately circulated as widely as possible. There must be no secret sessions. The Parliaments in every country must be provided with reports of the proceedings, and every effort should be made to make the reports accessible to the public within each State. The Council should be empowered to receive and discuss any complaints as to the suppression or mutilation of the reports of its proceedings, whether on the part of a State or a section of the Press. It is probably impossible to give the Council any executive powers in this connection, but the mere fact of discussion should do much to counter the evil effects of any attempted suppression of facts, even if it failed to induce the particular State concerned to take action.

## IV

The attainment of security is, however, nothing but a preliminary clearing of the ground. International organization for this purpose, and for no purpose beyond the prevention of war, would be but a halting movement in the direction of public right. War is a very great evil, perhaps the greatest of evils for the human race; but human society which exclusively laboured to mitigate one form of evil would be as barren as the modern Church. It is true that the abolition of militarism would remove restraints to progress, and that therefore the instinctive forward movement in every part of the earth would quicken its pace. But it is unimaginative to leave the progress of the race to individuals. Nor can progress be adequately expressed in terms of individuals; the real measure of a freer, fuller life lies in the institutions which condition the existence and the happiness of the "countless millions." The organization of peace must be merely the preliminary to that fuller organization of the needs of humanity which public right demands. Article 4 of the American League's proposals provides for the holding of conferences to formulate and codify rules of International Law; but what is really necessary is a permanent Council of the Nations to organize the joint regulation and control of international relations of every kind.

The universal interdependence of humanity is now a commonplace. Even in the midst of war opponents depend on each other for spiritual, often even for material, support. The exchange of intangible goods—goods even less tangible than the invisible exports which are the joy of the British economist—goes on apace. Fearful of the possibility of intellectual advantage, belligerents make faithful use of their opponents' ideas. The quickened

intellectual traffic removes even those distinctions between nations which are held to have necessitated war. The idea of a League of Nations spreads from country to country. The dependence is most marked in the very sphere of hostility and opposition : an act of aggression or brutality renders most service to the enemy, while an offer of peace shakes the whole fabric of hostility to its foundations. The spiritual interdependence of nations in time of peace, though less remarkable than in time of war, is no less universal. Political, scientific, artistic, moral conceptions recognize no frontiers. The time will come when even these relations between groups are subject to international supervision, but the immediate need is for the organization of the more material relations.

In point of fact, a good deal has already been done in this direction. If Smith wants to communicate with his friend in Italy, he need not nowadays seek a wandering knight to carry his missive—except perhaps during the prevalence of the censorship. Postal relations have been very fully and efficiently organized ; a peaceable agreement as to the carriage of mails has seemed more reasonable than war, though the interests concerned are certainly more vital to the individual members of the group than many interests that have led to war. From the point of view of public right, of the freer and fuller life for humanity, the most important international relations are those between the individuals in one group and the individuals in another. These relations are infinitely more important than the relations between the States as units ; the precise delimitation of a frontier, the right to fly a certain flag over a certain piece of territory, mean less to the progress of the group than the private exchange of wheat and cotton. The machinery of Council of Conciliation, Judicial Court, and semi-legislative Conference may cover the formal inter-State relationships ; but all the

strictly international relationships will still remain unorganized. It is at least certain that no substantial progress will be possible without some effective organization of these relations; as in the sphere of militarism pious wishes are useless unless they are embodied in an institution, so in the sphere of commerce the doctrine of *laissez-faire* will not carry humanity very far or very fast. And the fact that, under the pressure of circumstances, and through the interplay of interests, some order has already been introduced, makes the task of organization all the simpler and the outlook all the more hopeful.

In the first place, there are the organizations of interests connected with each particular branch of commerce or industry within each country. There are associations of farmers, of mining and manufacturing interests, of shipowners and of labour. As in the political sphere the organization of individuals in the State simplifies the problem of world organization, so in the economic sphere national associations of interests are the pre-condition of any wider organization. In the second place, the national associations of interests, perceiving that co-operation with similar associations of interests in other countries is likely to give better results than unrestricted competition, have organized internationally. Thus we have the international Congress of Chambers of Commerce, the international Union des Mines, the international shipping conferences, besides the various international Labour organizations. But public right does not seek international organization for its own sake; organized oppression is hardly more helpful to the "countless millions" than anarchic oppression. Many of the existing international organizations are of an extremely dangerous type, and offer humanity a choice between the devil and the deep blue sea. If an international group of financiers agree to work together, experience



shows that the result is often the exploitation of humanity; similarly, the community suffers when international groups of manufacturers or shipowners fix high minimum prices or freight rates. But Heaven help the community when the international groups fail to come to any agreement. Each national group immediately seeks protection from the Government of its State; a dispute over the disposal of mineral wealth, trading rights, or a shipping pool may lead to inter-State friction, even to war itself. Nor can it be supposed that the danger to the community comes only from the international organization of capitalist interests. The international organization of sectional interests has naturally developed more rapidly among the capitalist groups, and owing to the peculiar influence of these groups within each State the result has been, as a rule, peculiarly sinister. But it is easy to imagine action which might be taken by an international Labour group—say of miners—which would be just as harmful to the community as any international capitalist action; though it is probably true that the international organization of labour has so far produced only good results. What is wrong in the present situation is that, except in a few cases, there is no organized attempt to co-ordinate and control these international sectional interests. There is here real work for an inter-State Council.

The Postal Union, the Railway Freight Conference, the Sugar Commission, and the rest of the inter-State organs for the control of international relations must be treated as parts of a wider whole. It must be realized that but for the creation and existence of these organs any one of the problems with which they deal might have resulted in war; and also that beyond the spheres controlled by the existing organs there is a vast chaos waiting to be ordered. The international organizations of interests must also take their place in the scheme. In existing

circumstances, the conferences of some of these groups (as, for example, the International Labour Association, for the reform of labour laws) are attended by representatives of States. This seems to be the type of international organ which it will be possible to develop most easily. The formal recognition of the existing organizations and the attendance of State representatives at their conferences would be welcomed as giving some kind of link with the controlling machine. The international conferences of shipowners or manufacturers would be attended by State representatives who would—at first perhaps only in theory—watch the interests affected by the imposition of minimum freight rates or prices ; while at the same time the shipowners or manufacturers would be able to bring about more easily changes of laws and customs affecting their interests within each State. Where there remains a field of international relations still unorganized, or only partially organized, it would be the business of the inter-State conference to create an efficient organization.

Beneath the Council for the organization of international relations would be ranged a number of permanent international bodies, composed of State representatives, whose function it would be to establish an effective control of wide departments of international relations, such as those connected with agriculture, raw materials, finance and transit in the material sphere ; possibly also labour legislation, education and morals in the more obviously human sphere. Below these inter-State bodies again, and working under their direction, there would be a number of Commissions, some permanent, some meeting occasionally, all organizing certain limited sections of the wider departments. These bodies would have direct representation of the chief interests involved ; the Shipping Commission under the department of transit would be constructed in much the same way as the Maritime Commission



and the Shipping Conferences, with the addition of State representatives and, possibly later, the representatives of the branches of labour most directly affected. Special sub-committees might deal with special areas, such as that now covered by the Baltic Conference ; or special aspects, such as through rates and life-saving regulations ; while special questions involving political difficulties might be determined by bodies directly appointed by the Central Council, on the lines of the Danube Commission.

The obvious reply to the objection that such an elaborate scheme is hopelessly Utopian is that as a matter of fact every one of the types of organization suggested, with the possible exception of the central body, already exists. The problem is one of unification rather than of creation ; of organizing existing institutions and developing an existing sense of the need for international co-operation, rather than of forcing Utopian institutions on an unripe and prejudiced humanity. Whenever, as the outcome of a conference, statesmen have embodied their professed ideals and their actual desires in an institution, handing over to the institution the future care of their souls, the result has come within a measurable distance of success, because the institution has been able to deal with the gradual development of affairs. Where no institution was created, a series of conferences has been faced with a series of fully-developed crises, and the maximum strain put on the goodwill and ability of each conference. Had the Algeiras Conference set up a permanent institution to watch the development of affairs in Morocco, it is probable that the *Panther* would never have visited Agadir. The application of this to the economic sphere must not be lost sight of—all the more so because of the vital interdependence of the economic and the political in international relations. If really serious economic situations are

to be avoided, institutions must be created to watch over and control developments.

But what, it may be asked, is the exact purpose of this elaborate organization? In what way does it contribute towards the joint pursuit of a freer, fuller life for the countless millions? The answer is twofold. In the first place, the immediate tendency of this organization would be to prevent war by providing for ample discussion between national groups of sectional interests. Such and such companies would be concerned over the right to work mines in such and such a district, and, as long as matters were kept on this plane, it is unlikely that an equitable arrangement could not be arrived at, with the help of the sectional interests of other countries and the State representatives. This is not a mere pious belief. The proceedings of international associations of interests show the extraordinary way in which it has been possible to reconcile interests that were held to be vitally divergent. When one conference has been unable to settle an important question, in almost every case it has at least been able to localize the danger and to attempt a full settlement at a later date. In this way it may be hoped that agreement on a positive policy, if necessary, on the demarcation of trade areas, will be made possible; but in the event of failure, under the scheme suggested the matter in dispute would be referred to the departmental Commission, which would consider the question from the point of view of the wider interests with which it was concerned; and an ultimate appeal would lie to the supreme inter-State authority. But at each of the later stages the dispute would still remain a dispute between national sectional interests. In the past, failure to arrive at an agreement drove the sectional interests to appeal to their national State; when the State espoused their cause and attempted to settle the dispute by negotiations with other

States, the real points at issue were speedily involved with national prestige and shrouded with "the flag." Seldom, if ever, was the real point discussed; for all practical purposes, the discussion resolved itself into a discussion of which country should control the political administration of the district in which mines or forests were situated. In so far as regular conferences of interests tended to keep the real points at issue before the negotiators, an advance would have been made which would outweigh the benefits of many systems of democratic control. For, until some drastic change has been made in the situation, the more powerful interests will always be able to cover their projects with "the flag" and to present to the democratic wire-pullers a question in which national prestige is obviously involved. The second purpose of the elaborate economic organization is more positive. It is apparent that the international conferences of shipowners, trade unions, and the rest have only taken place because they were of real use to the interests concerned. It is quite certain that hard-headed and disillusioned business men from many parts of the world would not have been prompted to meet together by any Utopian or vaguely humanitarian ideals. The President of Lloyds, the President of the Chamber of Shipping, and the other representatives of the shipping interests of this country attended the 1913 meeting of the International Maritime Committee because they really believed that the interests they represented would gain some tangible benefit as the result of the conference. The plain fact is that the comparison and discussion of different national methods, whether in legislation, industry, finance, commerce, or labour, cannot but be of extraordinary value to the statesmen, capitalists, and workers of the different countries. Nor is it merely in the broadening of the outlook and the wider information gained that this value lies; in actual practice, comparison and

discussion have everywhere led to simplified and improved methods, and often to an obviously valuable co-operation which took the place of a disastrous competition. The business men of the world are far ahead of statesmen in realizing that internationalism is "real" politics. It may be feared that in spite of all attempted safeguards the better organization of the more powerful interests must be directly harmful to the "countless millions," who are only saved from Gehenna by the short-sightedness of capitalists. Combined exploitation by the powerful groups is undoubtedly a danger to be guarded against; but the remedy cannot lie in preventing combination. The interests that have once felt the benefits of international organization can never be forced to abandon it; and when once the temporary prejudices of the war have died down, the international combination of sectional interests, which was just gathering strength before the war, will be in danger of becoming a serious menace. The remedy must lie in the control of these organizations, and the control of international combinations must itself be international if it is to be effective. It is for this reason that it is desirable to unify the existing organizations, to bring them into relation with each other and to give them a proper place in a wider scheme whose purpose is the achievement of public right. It is doubtful whether joint conferences of various interests are practicable. It is not likely that a conference of shipowners, financiers, manufacturers, workers, and consumers would be of any practical use, whatever the nature of the question discussed. The interests are too divergent, the groups too little accustomed to work together, and it is most unlikely that any agreement would be arrived at. The existence of totally opposing interests must be recognized in any scheme; for the present, the State representative must be the link between the sectional interest and the community;

this would at once give the community a little more control than it now has, and the increasing democratization of States must provide the ultimate solution. In the international organization of interests there is still much to be done which would benefit the interests without harming the community. The work of the International Maritime Committee in connection with legislation for the safety of life at sea, the regulation of deck-loads, etc., was as valuable to the community as to the interests themselves. An equitable division of oil or wheat may save the community from many of the evils of speculative competition ; a trading compromise between shipping groups may save much of the wasteful advertising which in the long run must be borne by the community ; and in the last resort, what greater gain can there be to the community than the reconciliation or compromise of interests whose conflict may lead by easy stages to that greatest evil, war ? War itself is the greatest possible exploitation of the community. Would not high freights and dear living have been a low price to pay for peace—for a peace which itself was working out their solution ?

## V

There remains the more difficult question of how far it is possible for States to organize in the joint pursuit of a freer and fuller life for the peoples they govern by the removal of political or State restrictions on progress. The question is difficult just because the whole purpose of State organization is in many, if not all, cases the advantage of the few rather than the advantage of the many. But in no case is this the confessed purpose, and the question at the moment is whether there are not at least some directions in which the advantage of the few coincides with the advantage of the many. Because



of their common qualities as States, Denmark and Germany both need security, and both need increased trading facilities for the peoples they govern. Denmark may need security and trade for the benefit of the many, while Germany may need them for the benefit of the few, but this difference need not prevent the two States from working together and from benefiting in practice both the few and the many within each State. Thus we have seen that a clear perception of their common needs will inevitably lead States to take common action in elaborating a League for Security and machinery to assist economic development. Have States any needs in common other than these?

There is one quaint form of common State activity which partakes of many natures — the Caliban Imperialism. All States, apart from their internal democratic or reactionary aims, have what are called ambitions. It is a natural instinct of pride in anything even remotely connected with oneself that fills the street urchin's soul with pride when a royal pageant passes. State ambitions spring from this source, however, only partially; the hoisting of the flag on some remote territory is acclaimed by the mob and fills the statesman with conceit: but the flag, in modern times at least, would never have been hoisted nor the ambitions definitely conceived but for the even more definite ambitions for wealth or power on the part of individuals. Sometimes, however, certain territorial possessions are believed to contribute towards security. In some obscure way, too, the idea of the duties of civilized towards backward peoples, "the white man's burden"—itself a faint expression of the idea of public right—helps to mould the ambition and to reinforce the spontaneous instinct of patriotic pride. It is small wonder that this hybrid monster is to some the source of a pleasant emotion, to others a source of good or evil, to others again the most sublime humani-

tarianism. But whatever its origins, and whatever the moral judgment passed upon it, there can be no doubt that Imperialism is the tendency of every State, and perhaps the only definitely conceived external aim of every Great Power. But it need not be a conflicting aim, any more than the common aims of shipowners to secure high freights need be conflicting. If groups of shipowners of different nationalities can agree to pool earnings, if the nickel trade of the world can be portioned out between two groups, there is not the very slightest reason why it should not be possible to agree as to which portions of the map are to be painted red and which green. The partitioning of Poland, of the Congo, and the delineation of various "spheres of influence" are all historical examples of the common pursuit of a common aim. Whether the actual agreement arrived at in any given case is satisfactory or not from the point of view of public right is another matter: the fact remains that common action in this, supposed to be the most conflicting of all the interests of States, has been tried, and, as far as the States were concerned, has been satisfactory. The machinery for common action—the inter-State Conference—is recognized, and it must obviously be the task of the supreme inter-State Conference to attempt a settlement of imperialistic rivalries. But it must do more than attempt to settle disputes which have actually arisen; it must be more than a mere organ for reconciling enemies. It must keep before it the conception of a partnership: it must not merely prevent the partners from flying at each other's throats. Acknowledging the purpose of Imperialism, it must map out the "backward" portions of the earth into well-defined spheres of Imperial interest; while, on the other hand, it must attempt to regulate Imperialism in the best sense of "the white man's burden." This, again, is not mere unpractical idealism. From the point of view of public right

"the white man's burden" is properly conceived as the duty of the more civilized groups to help forward the economic and political organization of the more backward groups. Nor is it possible to ignore the fact that much valuable work of this kind has been done by isolated States and has even been attempted, though perhaps with little success, by combinations of States. In the Congo agreement a half-hearted attempt was even made to safeguard the natives from certain evils of the baser Imperialism. Experience has shown that joint action is possible, that compromise is possible, and that, besides tending to eliminate the danger of war, joint action and compromise in the division of territories makes possible joint action, of however limited a type, for the benefit of the peoples inhabiting these territories. Imperialism will be all the more likely to be interpreted in the nobler sense when special institutions exist for the adjustment of conflicting economic interests. It is possible that the mineral wealth of one district may, in a largely conceived scheme, help forward the steel industry of Germany, while the purely political administration of that district may be in the hands of the French State. After all, the jam industry in Great Britain has been greatly benefited by the cultivation of sugar-beet in territories controlled by the German State. In the face of accomplished political facts, economic interests tend to work out their own salvation; if the whole surface of the earth had been covered with definitely accomplished political facts, imperialistic rivalries would have lost their driving force.

But would they? Is there any reason to suppose that any permanent arrangement of the political map of the world could be arrived at, or that it would be right to settle hard and fast political frontiers even in Europe, to say nothing of Africa or Asia? What of the vigorous, the expanding States? Can they be permanently condemned to their present



position? In no part of international relations is analysis so important as in the sphere of the political ambitions of States. If it be true that the driving forces in Imperialism are first, economic interest, secondly, the desire for security, it is perfectly clear that when the conception of security has been changed from the national to the international system, an expanding State will mean primarily a State with expanding economic interests. Now it must not be supposed that economic agreements are only possible on the basis of the economic *status quo*. It is perfectly true that in the economic as in every other sphere conservatism, the principle of the *status quo*, will always act as a drag on progress. But as a new morality, however slowly, is forcing its way to the surface, as the interests of labour are slowly gaining in the struggle with capital, so we may be confident that in the long run new economic forces will have it in their power to vanquish the existing order. It is not difficult to admit, in agreements, the principle of expansion: shipping and steel rail agreements have provided for national expansion by allotting an increasing proportion of trade to the expanding country; while short-period agreements provide repeated opportunities of adjustment. The teeth of Imperialism will be drawn if a sharp distinction can be made between economic needs and political issues. The existence of separate economic organs of adjustment will do a great deal in this direction, but an attempt must also be made to secure economic interests from political control. The principle of the open door—of “an equal level of opportunity” between the subjects of all States—that in itself must make the political *status quo* unobjectionable to expanding economic interests. It is probably not practical to suggest the immediate adoption of this principle within Europe, but its adoption in the extra-European possessions of European States is possible, all the more so because

the principle is already so widely accepted in practice. Any economic selfishness within the British or any other Empire would be disastrous, not merely to particular nations, but also to the growth of that international control of Imperialism without which it is doubtful whether even the League for Security could long survive. In the rearrangement of the extra-European world it must be realized that political distribution will have little importance if an equal level of opportunity in the economic sphere is made secure. If that can be done, Imperialism, stripped of its unclean associations, will survive as a source of national pride and as the expression of "the white man's burden." So conceived, Imperialism will be merely the organized effort of the more civilized to help forward the less civilized; it will be a means towards the development of the freer and fuller life of all the peoples of the earth. The international organ whose function it was to maintain an equal level of economic opportunity throughout the dependencies of States would also, in the course of time, control the political administration of the territories in so far as it affected the inhabitants. The principles adopted in the Congo agreement might be both developed and made effective.

The maintenance of the political *status quo* in Europe is a more difficult question, though it is certain that Imperialism within Europe can never be so convincing as Imperialism in distant lands. It is often believed that on the one hand the smaller States in Europe are constantly threatened by an aggressive Imperialism, and that on the other hand a rigid maintenance of the political *status quo* would seriously hamper the free development of subject peoples. In 1914 the former danger was most apparent, while as the war has dragged on attention has been more and more concentrated on the latter. So in 1914 Mr. Asquith conceived the concrete expression of public right to be essentially "that

room must be kept for the independent existence and free development of the smaller nationalities, each with a corporate consciousness of its own. Belgium, Holland, Switzerland, the Scandinavian countries, Greece, and the Balkan States—they must be recognized as having exactly as good a title as their more powerful neighbours—more powerful in strength and in wealth—to a place in the sun.” It is clear that the independent existence of the smaller States, their security from aggressive Imperialism, can only be adequately safeguarded by such an international organization as the League of Nations. It is equally clear that the free development not only of these States, but also of their more powerful neighbours, can only be safeguarded by further organization in the economic sphere. The nature of this further organization has been suggested above, but it was said that it is probably impossible at the present time to induce European States to give an equal level of opportunity within their territories to the subjects of other States. Until this is possible, the full realization of the free development of nationalities, small or great, must remain an ideal; but there are certain measures towards this end which are even now practicable. In return for compensating advantages there cannot be the least doubt that States controlling monopolies in raw materials or in trading routes would be willing to modify existing conditions. The permanent Sugar Commission and the Danube Commission are striking examples of what is possible. It is not too much to hope that, whatever be the political fate of Constantinople, an international agreement securing and equalizing trading rights will be inevitable. In some cases it would be necessary to set up permanent commissions to secure the observance of the agreement; but this is by no means necessary in all cases. It would be idle to appoint a Commission to secure equality between

nations in the use of the Straits of Gibraltar, as it would be idle to control internationally the ports of Holland. But where difficulties actually arose, or where there was reason to fear that difficulties would arise, a formal Conference and a permanent Commission would be the only remedies. Thus an international Commission for the control of the Dardanelles should be set up at once; while the international control of the port of Trieste would almost certainly be desirable if the whole of the Adriatic coast fell under the political administration of Italy. Apart from equality of rights in the use of trading routes, experience has shown that even in the past many of the cruder forms of State restriction of trade have been amicably dealt with; diplomacy has been able to secure "most favoured nation" clauses, the reasonable treatment of immigrants, the simplification of harbour and quarantine regulations. As part of a wider scheme there is no doubt that this tendency of the past can be encouraged; and the complete removal of national restrictions on trade seems to be an approachable even if distant ideal. Let the economic interests discuss the question fully in their conferences, let the State Governments understand the real point at issue, and the reasonable solution will most certainly be adopted, on the basis of a compromise between conflicting interests. As in the sphere of colonial Imperialism, the lust for European Imperialism or political domination—Russia's need of an ice-free port, the German *Drang nach Osten*—would lose all world-shaking significance when it lost its economic driving force.

The shadow of Imperialism, however, is not the only hindrance to the realization of public right in Europe. Even when the political insecurity of the smaller States and the checks to the economic growth of States, both great and small, are things of the past, there will still remain a mass of the most powerful hindrances to the freer and fuller life of

the European peoples. As long as oppression in any form exists on earth the ideal of public right will not have been realized. Within the State, as in the society of nations, the ground must first be cleared by the removal of political, economic, educational, and moral institutions which hinder growth. A large programme, perhaps, but we cannot stop short of it. The institution which must clear the ground is believed by many to be the democratic form of government; and at times in the world's history the reformer has carried his banner across frontiers in a thoroughly purified fit of Imperialism. The message of the Church, of the Revolution, was spread in a fervour of bloody inspiration. To-day the message thus spread is one of democracy curiously limited in its conception—the message of the Principle of Nationalities.

It has been observed that smaller nationalities, each with a consciousness of its own, have been hindered from making that consciousness corporate by the domination of many European States. The Poles, the Czechs, the Irish, are the leading examples of nationalities whose political, economic, and cultural development is hampered by more or less definite oppression. It has been observed that the liberation of these peoples from oppression must be included in the concrete realization of the ideal of public right. It has also been observed that there are cases in which a section of an independent nation, bound to the mother nation by all political and cultural aspirations, is subjected to foreign rule and foreign institutions; its natural line of development is checked; alien culture is forced upon it; and this state of things runs counter to the fundamental notion of public right.

But the principle of nationality is merely a statement of means to an end; it is not an end in itself. It is, in its true expression, subservient to the ideal of public right, and must not be carried beyond the



point where it safeguards and assists that pursuit of the freer and fuller life which public right demands. It is, in essence, negative ; it condemns the present position of Finland, Bohemia, Ireland, but it does not go beyond condemnation of the system which hinders progress. It does not say that Finland, Bohemia, Ireland must be given the independent existence of Belgium, Holland, Switzerland, but merely that some means must be found which will ensure their free development. The principle of nationalities is silent in the case of Scotland, which has found a system under which free development is possible. In cases where the oppression and antipathy are great, it may be that independent existence, the erection of a separate State, is the only adequate solution ; but it is more probable that a fuller share in the common government, or a measure of local autonomy, would secure to the subject nationality the right to free development, while at the same time retaining for it those advantages which incorporation in a wider unit brings.

For, whatever its relation to modern thought, it is clear that the scholastic maxim *Entia non sunt multiplicanda praeter necessitatem* is specially applicable to States. We cannot now contemplate a return to the conditions of tribal organization ; the wider the unit, the greater the opportunity of mutual influence and co-operation, the more surely will that section of humanity progress towards the goal. With all allowances for the undue influence of Prussia in the partnership, it is impossible to regard the unification of Germany as anything but a step forward in the progress of the Germanic peoples and of humanity at large. Freed from the constant rivalries and bickerings of an earlier age, the States of the German Empire have been able to develop on a wider scale those innate qualities which were formerly limited in their operation to the city-State and duchy. Security within wide territories has

been attained ; had. there been some wider unit yet, beyond the confines of the German Empire, into which the Empire might have entered to attain security as the States had entered into the Empire, the youth of Europe would not now be lying on a thousand battlefields. But beyond the German Empire lay, in fact, anarchy, and the Empire absorbed that anarchical conception of security which was dominant throughout the world. The war has shown not the failure but the possibilities of unity ; and the dismemberment of an Empire would serve as useful a purpose as the resolution of Great Britain into the separate and independent units of England, Scotland, and Wales.

The principle of nationalities, in short, is nothing but an incomplete statement of the right of humanity to freedom and development. There is no reason why a separate State should be bought with blood and gold for the Czecho-Slovaks rather than for the sweated women of England : in fact, there is rather less reason in the former case, for within the new State there would still be oppressors and oppressed. A great part of the population of the British State now enjoys political liberty, but a far smaller proportion enjoys economic liberty, and the effective realization of democracy seems more distant than ever. Are we quite certain that public right demands the creation of new States in our likeness ? Wars may set up States : but can they create democracy ? But once democracy is gained, nationality may be trusted to find its own organs of expression. These organs would, in free ground, be seldom political. Church, Press, education, art are all more fundamentally dependent on nationality than political institutions, which tend inevitably to a common democracy. No Englishman really objects to Welsh rule unless his church is closed, his paper suppressed, his children's education stopped, or his artistic sense violated. Finland will not require separation

from a free Russia, or Bohemia from a liberalized Austria.

Can the ideal of public right find concrete expression in some institution which will help forward democracy in every part of the earth? In a very real sense, the international organization outlined in the preceding pages is itself that institution. It cannot perhaps be said that internationalism must precede democracy. The truth is that internationalism and democracy must go forward hand in hand; but at the present moment internationalism lags far behind, and without it democracy can make little further progress. The countless millions inhabiting the four corners of the earth are bound down by fetters of whose existence they are hardly aware, fetters from which not even the supreme national power, the Sovereign State, can free them. And these fetters are borne no less by the smaller groups of interested, short-sighted wielders of power and influence within each State: for the fetters are universal ignorance and conservatism in face of chaos. The way to freedom for humanity, as for the individual, lies through thought embodying itself in institutions which order the disordered, right the wrong, and infuse nature with the purpose which it lacks.



THE FOLLOWING ESSAY BY  
HUGH H. L. BELLOT, D.C.L.  
("A CONSTITUTIONAL NATIONALIST")  
SHARED THE FIRST PRIZE OF  
100 GUINEAS IN DIVISION I  
WITH THE PRECEDING ESSAY BY  
EMILE BURNS



## By "A CONSTITUTIONAL NATIONALIST"

"THE greatest triumph of our time," said Gladstone during the Franco-German War of 1870, "will be the enthronement of the idea of public right as the governing idea of European politics."

In taking this saying as the text for his speeches delivered in Dublin, September 25, 1914, in London, August 4, 1916, and in East Fife in December 1916, in which Mr. Asquith vindicated the participation of Great Britain in the war, the late Prime Minister told the country what the idea of public right means to him when translated into concrete terms. It means, first, the repudiation of militarism as the governing factor in international relations. It means, secondly, the independence of small nations. It means, finally, the creation of a real European or world partnership based on the recognition of equal right and established and enforced by a common will.

The problem here set for solution has hitherto baffled the civilizations of the past and present alike. Of the earlier attempts to secure the peace of the world I do not propose to speak.

An adequate examination of the causes of their failure cannot be attempted here. They are to be found at large in our textbooks. On some later attempts I shall briefly touch in order to illustrate the true meaning of Nationalism.

Nor do I propose to examine the innumerable schemes for ensuring the world's peace which have been propounded in every age and in every country since Plato wrote his *Republic* and Aristotle his *Politics*. One solution, however, to which a consensus

of competent opinion appears to have rallied demands serious investigation. I refer to the American plan of a League of Nations to Enforce Peace. In such an investigation the presentation of the principles underlying our problem appears to be an essential preliminary if the solution attempted here is to carry conviction to the average mind. To suggest the solution of a problem which has foiled the greatest intellects of the world seems presumptuous folly. It seems even more presumptuous, at a moment when force reigns supreme, when treaties are torn to shreds, and when the dictates of honour and humanity are cast to the winds, to suggest that the principles underlying the phrase "public right" can be translated within a measurable period of time into concrete terms. And yet those of us who are assured that the world is eventually governed by ideas, and that moral ideas in the process of evolution eventually replace unmoral ideas, believe in the ultimate supremacy of "Public Right" or, as I should prefer to call it, the "Law of Nations." It is for this reason that an investigation of these underlying principles, however elementary their character, must be undertaken before examining any scheme for a solution of the problem, however promising.

#### RIGHTS AND DUTIES.

Before attempting a definition of "Public Right" as between independent States, it seems desirable, if not imperative, to define what we mean by "Right." We may at once dismiss as a delusion the Social Contract theory whereby it was supposed that man in a state of nature possessed certain rights as an individual which were called "Natural Rights." By this theory a group of men were supposed to have formed a society by contract. A society having been formed, other rights, called "Civil Rights,"

arose through positive enactment, but the latter, it was held, could not interfere with the former, which were innate in man and belonged to him antecedently to the formation of the society.

The truth is that prior to the formation of a society there are no rights at all. Natural right as equivalent to a right in a state of nature antecedent to the formation of a society is a contradiction in terms. "There can," says T. H. Green, "be no right without a consciousness of common interest on the part of members of a society."<sup>1</sup>

As he explains, individuals may possess certain powers, but if other individuals refuse to recognize the exercise of these powers, no right to exercise them can exist. For instance, in a civilized community it is to the common interest that the rule of the road should obtain. Each individual, it is true, has the *power* to drive on either side of the road. But a rule has been established in this country that every one shall keep to the left. If therefore one member of the community by driving on the right collides with another member who is driving on his proper side of the road, the right of the latter to drive on the left without interruption has been interfered with. The essence of a right lies, not in the individual's power to exercise it, but in the recognition by others of his right to exercise it and in the recognition by him of the right of others to exercise a similar power. "It is not," says T. H. Green, "in so far as *I* can do this or that, that I have a right to do this or that, but so far as I recognize myself and am recognized by others as able to do this or that, for the sake of a common good or so far as in the consciousness of myself and others I have a function relative to this end."<sup>2</sup>

A right therefore only exists when, first, a group has been formed; and, secondly, when the group is such that some common good is recognized by its

<sup>1</sup> Works, vol. ii. p. 354.

<sup>2</sup> Ibid. p. 362.

members "as their own ideal good, as that which should be for each of them." <sup>1</sup>

Every right implies a duty. Rights and duties are correlative. The possession of a right by one person implies an obligation on the part of the other members of the society to recognize such right and to refrain from interfering with it. It also implies an obligation on the part of the person possessing such right not to exercise it to the prejudice of other members. But we must go further and assert with Green that all rights are relative to moral ends or duties. That is to say, "the right of the individual to have certain powers secured to him by society and the counterclaim of society to exercise certain powers over the individual, alike rest on the fact that those powers are necessary to the fulfilment of man's vocation as a moral being." <sup>2</sup>

Although man in a state of nature possesses no rights, since every man is free to do as he likes, and although consequently in this sense "Natural Rights" do not exist, nevertheless in another sense "Natural Rights" do exist. "There is," says Green, "a system of rights and obligations which should be maintained by law, whether it is so or not, and which may properly be called 'natural'; not in the sense in which the term 'natural' would imply that such system did exist or could exist independently of force exercised by society over individuals, but 'natural' because necessary to the end which it is the vocation of humane society to realize." <sup>3</sup>

Rights and obligations which are recognized generally by members become by custom or positive enactment legal rights and duties. Natural rights and obligations arise when it is recognized generally that, in order to attain the common good, certain powers of action *should be* secured to each, and that

<sup>1</sup> Works, vol. ii. p. 350.

<sup>2</sup> Ibid. p. 347.

<sup>3</sup> Ibid. p. 339.

each should recognize the right to the exercise of such powers by the others.

The distinction is between the rights and obligations already generally accepted and those merely recognized as desirable. The first fall within the province of the law, the second within that of morality or ethics.

### THE GENERAL WILL.

This sense of a common interest and the desire for the attainment of common objects on the part of the members of a State has been termed "the general will." The general will finds expression in rules of law and in rules of morality. Rules of law may be customary or judge-made or enactments of the sovereign, whether an individual or a body corporate or any combination of these. These rules are enforced in the last resort by the sovereign power. Rules of morality, on the other hand, are not so enforced. They rest upon the public opinion of the members of a particular group or of the members of the State generally. This public opinion is based upon "Natural Rights" or those ideas of right and wrong conduct entertained by members of the particular group or of the State. As has been well said, rules of morality are rules of law in process of generation, "the morality of one age being the law of the next."<sup>1</sup> Thus while the field of morality is diminished, that of law is correspondingly increased. And we must not forget that while this standard of right and wrong conduct is usually superior to that adopted in practice by the majority of members, it is sometimes observed with more strictness by the majority than legal rules which are opposed to, or have ceased to conform to, its ideas of "Natural Rights."

<sup>1</sup> Wise, *Outlines of Jurisprudence*, p. 106.



## THE SOVEREIGN POWER.

We may now inquire wherein resides the supreme sovereign power in the State. I desire to emphasize this question because in its correct answer lies in my view the true solution of the problem we are endeavouring to solve. "There will always be," says Sir Frederick Pollock, "some opinion, sometimes a considerable body of opinion, in advance of the average moral sense of a community, and this no less among nations than among citizens." <sup>1</sup> According to the Austinian doctrine, there is in every independent political community some individual or combination of individuals which has the power of compelling the other members of the community to do exactly as it pleases. In this theory of the State there are two indispensable factors: (1) sovereignty residing in a single individual or combination of individuals, and (2) unlimited power of coercion. The flaw in this theory lies in its disregard of the fact that it is the State which makes the sovereign, rather than the sovereign which makes the State. In no State is the power of compulsion unlimited. Even under the most absolute form of government habitual obedience to its commands only obtains in so far as the sovereign power is regarded as expressing or embodying the general will. The sovereign, it is true, has power to alter the law or to legislate in defiance of natural rights, but if he does so habitually and on the whole against the general will, he signs his own death-warrant. To retain the members of the community in a state of habitual obedience he must act according to law and according to the constitution, written and unwritten. This we and our American cousins call the "Rule of Law." Further, he must act in conformity with the convictions of the members as to what is for the common good. A vast mass of moral influences does, in fact,

<sup>1</sup> *Cambridge Modern History*, xii. p. 715.

shape, limit, or restrain the exercise of the power of coercion by the most despotic sovereign. The sovereign power therefore is in reality not the real principal in the State, but the agent. Its office is to protect the rights of the members and the institutions created for the maintenance of those rights. The State does not create such rights, but secures and extends the exercise of those powers which its members recognize as contributory to a common end. Consequently the general will, not physical force, is the basis of the State.

### THE SANCTION OF LAW.

A question closely related to the foregoing and of nearly equal importance is, What is the true sanction of law? Is it the fear of the penalties to be imposed by the sovereign power upon its breach, or is its observance due to consciousness of a common interest? It is safe to say that the mass of the people in a civilized State render habitual obedience to the law from respect to that mass of moral influences of which I have spoken. The great majority do not refrain from becoming thieves, burglars, or murderers through fear of prison or the gallows. The moving restraint is not the penalty provided by the law, but the public opinion of their fellow-men. Herein we see the consciousness of a common interest. On the other hand, where the law is opposed to the general will of a community it will be disobeyed, and the offenders will not be regarded as criminals but as persons to be shielded by all the resources of its members.

Lord Haldane has given to this influence the title of *Sittlichkeit*. "The field of daily conduct," he said, "is covered in the case of the citizen only to a small extent by law and legality on the one hand, and by the dictates of the individual conscience on the other. There is a more extensive system of

guidance which regulates conduct and which differs from both in its character and sanction. It applies, like law, to all members of a society alike, without distinction of persons. It resembles the morality of conscience in that it is enforced by no legal compulsion. . . . *Sittlichkeit* is the system of habitual or customary conduct, ethical rather than legal, which embraces all those obligations of the citizens which it is 'bad form' or 'not the thing' to disregard."

Since, however, all members in a civilized State are not conscious of a common good, and some from purely egoistic motives break the law, a penalty for its breach is necessary. Thus although for the majority the consciousness of a common interest is a sufficient sanction, in this imperfect world the power of coercion must in the last resort be exercised upon the minority which defies the general will expressed in the law. None the less it is true to say that the ultimate sanction of law lies rather in the conscience of mankind than in the fear of physical force. Although Professor Berolzheimer admits that legal coercion is in fact a necessity, he considers it a relative and not an absolute one. The attempt to dispense with the coercive power of the law is, he submits, conceivable.<sup>1</sup>

#### NATIONALISM—CONSTITUTIONAL AND UNCONSTITUTIONAL.

Although these principles are universally applicable to both ancient and modern civilizations from the patriarchal family to the modern State, to the despotisms of the East and to the republics of the West, it is only in the modern States of the West that they have been fully developed. Of these, England was perhaps the first to establish the "Rule of Law," whereby equality before the law—liberty

<sup>1</sup> *The World's Legal Philosophies*, p. 421.

of the person, liberty of speech, liberty of conscience—was secured to every member of the State. This constituted a denial of the arbitrary will of a sovereign and culminated in the acquisition of the right of the members to participate in the legislation of the State. This right we term "political liberty." These principles were carried by Englishmen to the countries in which they settled. The English Common Law forms the basis of the law of the land in the United States and in our own Dominions beyond the seas. In all these countries the "Rule of Law" prevails with its twin sister, Political Liberty. From the United States these conceptions spread to France and thence to those other Latin races which adopted the Napoleonic code.

These conceptions, however, never took root in the German States of Central Europe. The constitutional nationalism preached by Mazzini, based upon the catchwords "Liberty, Fraternity, and Humanity," met, it is true, with some temporary support from the German intellectuals even in Prussia, but with the failure of the revolutionary movement of 1848 the anti-constitutional Nationalists gained the upper hand.

The true cause of the difference between German nationalism as it emerged under Bismarck and that of the Western States has not yet, so far as I know, been clearly stated. The statement of Professor Ramsay Muir that the unification of Germany was "brought about by blood and iron, by force and fraud, by the brutal use of the military might of Prussia, exercised in a series of three deliberately planned wars of aggression,"<sup>1</sup> is obviously true, but it is not a sufficient explanation of the fundamental difference between what I have termed *constitutional* and *unconstitutional* nationalism. The true cause of the difference lies in the degree of opposition to which the movement for national unity is

<sup>1</sup> *Nationalism and Internationalism*, p. 90.

exposed. This opposition may be internal or external or both.

Two or three illustrations must suffice. The first of European communities to develop constitutional nationalism was England. The liberty of the subject recognized by the Conqueror in his Charter to the Londoners was confirmed by John, and supplemented by the creation of a representative Government under Edward I. The failure of the Crown to retain its continental dominions was one of the causes of the dynastic wars of the fifteenth century. The only escape from the political anarchy which ensued lay through a strong Central Government. The absolutism of the Tudor monarchy is to be measured by the opposition to its authority which it encountered. The opposition of the feudal nobility and great landowners to the central authority rendered necessary the exercise of extraordinary powers. The Court of High Commission, the Court of Star Chamber, and the Court of Requests were created for the protection of the weak from the oppression of the strong. By these instruments rather than by the sword the power of the anti-Nationalists was broken, and the absolutism of the Tudors was welcomed by the nation so long as it was used for the benefit of the nation. But when under the Stuarts this ceased to be so exercised and the absolute power of the Crown with its extraordinary Courts was no longer necessary for the maintenance of nationalism, they were swept away. Had the opposition to Charles been merely factious instead of being intensely national, his absolute power would have been not only maintained but extended. In place of the "Rule of Law" the *Droit Administratif* would have been established, and Parliament would only have met to register the decrees of an absolute monarch. Had the Parliamentarians obtained external assistance, the absolutism of the Crown would have been correspondingly

increased. But this was wanting. No foreign army had landed on English soil since John.

The closest parallel to the Germany of to-day is afforded by the France of Louis XIV. The absolutism of which this monarch was the mouthpiece was in intensity in exact proportion to the opposition encountered in its establishment. In the struggle for political ascendancy between the reactionary Catholics and the Huguenot progressives, during the century from 1560 to 1660, the latter went under. But they did not go under so soon as they might had they not been able to invoke foreign aid. Thus the struggle was not only prolonged—which in itself added fuel to the fire of absolutism—but the alien assistance increased national support for the Government. This twofold opposition produced an absolutism within and without the State militarily and economically superior to that in any of the contemporary nations. “In the intellectual sphere,” says Mr. Ramsay Muir, “France was the acknowledged mistress of the world; her scholars, critics, and philosophers dominated the mind of Europe; her language had become the universal language both of learning and diplomacy. She might well feel, not merely that her Kultur deserved to win, but that it entitled her to a commanding position such as Rome had once wielded.” Just as the enforcement of ordinances of the Crown and *Lettres de Cachet* marked the disregard for the liberty of the subject within the State, so did the attempt at world domination mark the resulting disregard for the rights of neighbouring States. This attempt failed after a conflict extending over a quarter of a century, and eventually the Bourbon princes went down before the bourgeoisie of France. Its effect upon the opposing States was twofold; it increased not only the national spirit but also the growth of absolutism and aggrandizement. In Europe the outstanding feature was the Partition of Poland;



in England, the loss of her New England colonies, the Union of Ireland, and the acquisition of her new territories in all quarters of the globe.

I shall only refer to Napoleon's attempt at world domination to note that the more absolute he became, the more he disregarded the rights of nations and International Law. At the same time, one must never forget that the quarrel was forced upon him by the despotic dynasties of Europe, who saw in the Revolution a menace to their own power. By the people of many countries such as Prussia, Italy, and Austria, he was regarded as the Liberator, and is still so remembered. And although in his attempt at domination he invaded their political rights, he presented those Latin States which adopted the Code Napoleon with the "Rule of Law."

Mr. Ramsay Muir has endeavoured to show that the distinction between the nationalism of Germany and that of other States created in the nineteenth century is due to the principles advocated in the respective national movements. But these principles were in the earlier period identical, and whilst they prevailed in Italy, proved a failure in Germany. This failure was due to the hostility of the ruling caste, led by Prussia, to constitutional nationalism. Prussia was out for domination of the German States, not for a partnership on equal terms. By her wars of aggression against Denmark, Austria, and France, Prussia acquired the hegemony of the North German Confederation by force and that of the German Empire by fraud, forcing in the South Germans by playing on their fears of France.

By his forgery of the Ems telegram, Bismarck made the war with France, for which he had intrigued, inevitable.

For the unification of Germany as in that of every other nation, it was the opposition encountered by the State which determined the measure of its absolutism. Germany has encountered probably more



opposition than any other State. Originally consisting of some 360 principalities intensely feudal, anything in the nature of constitutional nationalism was consistently rejected by the governing classes. A unification achieved by force and fraud can only be maintained by those methods, which after the victory over France were accepted by the mass of German people as the basis of its Constitution.

From this period we may date the theory of the super-State, in which within the State the "Rule of Law" is not recognized, and "Public Right" without is disregarded.

The interest of the subject was deemed subordinate to that of the State, and in any conflict between them the latter must prevail. The same idea was applied in the case of any conflict between the interests of the State and those of another State. The prophet of these doctrines which have become dominant in the Germany of to-day was Treitschke (Professor at Berlin 1874-96). According to this publicist German nationalism was a sacred phenomenon peculiar to the German people. It was the "highest moral obligation" of the German State to extend its own power by any means whatever, and especially by the divinely appointed method of war. Against this "obligation" no restraints were valid. The sanctity of treaties did not avail and the "rights" of other nations could not be recognized. In his view the doctrine of the "survival of the fittest" was an immutable law of Nature. Small States, whether they liked it or not, must be swallowed up by their greater neighbours. In their case nationality did not count, and moreover it was more advantageous for them to be included in the super-State. Material advantages outweighed all such old-fashioned ideas as national independence and the "Rule of Law." Great Britain and France were regarded as decadent States. Their overseas possessions were the natural heritage of the German State, which would know

how to put them to a proper use and thereby increase the material interests of the world and incidentally provide Germans with some pecuniary compensation for their disinterested services in the cause of enlightened civilization.

It is said that Treitschke was comparatively unknown in Germany. This possibly may be true, but he was the representative of a school of thought which has dominated the German people. And he does not stand alone. German jurists have been endeavouring to build up a new system of law founded on force. Josef Kohler, for instance, described by Roscoe Pound as "the first of living jurists"<sup>1</sup> describes the legal order as "the adjustment through coercion of the relations of human life arising in a social manner from the social nature of man."<sup>2</sup> They acknowledge that such a system is incompatible with International Law. In proposing that the German branch of the International Law Association should secede from the parent body Professor Niemeyer gave as the reason for such a course that Germany, "having interests distinct from those of other countries, has tendencies in this province which are unlike those of other nations."<sup>3</sup> In the *Kriegsbrauch im land Kriege* the sanction of international public opinion finds no recognition. In the opinion of the German General Staff the laws of war do not exist. There is only a "usage of war" which may be modified or disregarded by a belligerent whenever military necessity demands. The only sanction for the observance of the usages of war is the fear of reprisals. In the modern development of the usages of war we are told that "the tendency of thought of the last century was dominated essentially by humanitarian considerations which not infrequently

<sup>1</sup> *Harvard Law Review*, vol. xxiv. No. 8.

<sup>2</sup> *Einführung in die Rechtswissenschaft*, p. 4.

<sup>3</sup> *Le Temps*, January 4, 1916. Cited by Visscher in *Belgium's Case*, p. 155.

degenerated into sentimentality and flabby emotion." Such a development was "in fundamental contradiction with the nature of war and its object." And there we get the real measure of German regard for international obligations and the value she attaches to her own signature. "These agitations"—i.e. attempts to humanize the laws of war, in which Germany herself took a leading part at the Hague Conferences—"have found a kind of moral recognition in some provisions at the Geneva Convention and the Brussels and Hague Conferences" !<sup>1</sup>

This theory of the modern State has been termed "Prussianism." It is nothing new. Its exponent in the sixteenth century was Machiavelli and in the seventeenth Hobbes. It might just as well be termed "Machiavellism" or "Hobbism." I have preferred to call it "Unconstitutional Nationalism." How the liberty of the subject may be lost step by step and the "Rule of Law" whittled away by external opposition may be seen perhaps more clearly by examining the emergency legislation of Great Britain passed during the war. In every direction restrictions are placed upon the liberty of the subject. In some circumstances a writ of habeas corpus has been denied even to a natural-born British subject. British subjects—conscientious objectors—have been sentenced by court-martial to two years' imprisonment with hard labour for refusing to obey the Military Service Act. A Cambridge Professor whose lectures were deemed obnoxious to the Government has been forbidden to deliver them, and has been deprived of his professorship. An ex-Member of Parliament has been fined £100 for the publication of a pamphlet considered hostile to recruiting for the Army.

In war such abnormal measures as these may be necessary for the defence of the realm. In Germany such measures, the product of the aggressive wars

<sup>1</sup> J. H. Morgan, *The German War Book*, p. 54.

of 1864, 1866, and 1870, were retained and developed in succeeding years of peace. In the Zabern incident we see the culmination in its worst form of contempt for the "Rule of Law" and of disregard for the liberty of the subject. Under the *Verwaltungsrecht* or *Droit Administratif* of the German Empire the officers concerned in the assault upon the lame cobbler of Zabern were acquitted on appeal to the Military Court of the Thirteenth Division. In cutting open the head of the cobbler when he was securely held by two soldiers, Lieutenant Schad was held by the Court to have acted in self-defence, since the cobbler was a powerful man and might have struck him! In support of this remarkable decision par. 53 of the German Penal Code was cited, whereby a person in self-defence may cause injury to an assailant if no other means are available. The court also found that the cobbler had not been seriously inconvenienced, since the cut in his head healed in eight days, and the pain suffered was really quite inconsiderable! The Colonel was decorated by the Kaiser. In the Reichstag these proceedings, however, were strongly denounced, and they were described by a German correspondent to the *Das Freie Wort* (February 1914) as revealing "the military spirit in conflict with the civilian spirit, Prussianism in conflict with the entire sentiment of the rest of Germany, military conceptions in conflict with civilian conceptions of honour."

In France the *Droit Administratif* is no longer so extensive as it was, and in spite of the State's protection of its officials the "Rule of Law" is recognized and will ultimately come into its own. The difference between the recognition of the "Rule of Law" in Great Britain and France is now really one of procedure and not of principle. As Hauriou has well said, "Under every legal system the right to proceed against a servant of the Government for wrongs

done to individuals in his official capacities exists in some form or other.”<sup>1</sup>

But Germany is still in the stage of absolutism. The worship of the State has become a fetish. “Might” has been enthroned by the intellectuals of Germany as a principle in all affairs, domestic and foreign, in the place of “right.” In her bid for world domination Germany has gathered under her leadership all the scattered elements of tyranny still surviving in Austria-Hungary, Turkey, and Bulgaria. Within the State, in the absence of parliamentary control of the military and naval forces, the military caste is supreme. In Great Britain and the United States the sovereignty of Parliament supports the supremacy of the law. Among the Central Powers, in spite of parliamentary institutions, the sovereignty of the State is above the law. In foreign affairs parliamentary institutions have no power at all.

#### INTERNATIONAL LAW.

Public Right between States finds expression in the Law of Nations. Sir Edward Carson, an ex-Law Officer of the Crown and ex-First Lord of the Admiralty, has lent his authority to the parrot-cry that International Law has been destroyed. It is true that Germany has declared that treaties cease to be obligatory upon one of the parties whenever it is no longer to his interest to observe them. It is also true that the Central Powers have violated many other rules of International Law. But they have defended these by appealing to the doctrine of military necessity, by alleging that they constituted reprisals for alleged violations by the Entente Powers, or by declaring that the conditions under which they consented to be bound had changed.

In the case of the invasion of Belgium the German

<sup>1</sup> Cited by Dicey, *Law of Constitution*, p. 400.



Chancellor frankly admitted that the act was illegal, although he afterwards defended it on other grounds. In this he was supported by eminent German jurists such as Kohler, who by a pretty piece of special pleading endeavoured to show that the Belgian Government, by keeping secret certain conversations which took place in 1906 with the British Military attachés relating to proposed plans to meet an invasion by Germany, which even then was anticipated, and which in fact ultimately took place, broke its neutrality! On the other hand, although the Entente Powers have in some instances departed from the strict letter of the law, e.g. in sending in for examination in port vessels suspected of carrying contraband instead of searching them at sea, they have on the whole rigidly adhered to the principles of International Law and closely observed the laws and usages of war. Because one set of belligerents have consistently broken the law, and forced the other set to retaliate in kind (i.e. by reprisals, which in such circumstances are recognized as valid in International Law), it does not follow that International Law has been destroyed. As Sir Frederick Pollock has recently well said, "Law does not cease to exist merely because it is broken, or even because, for a time, it may be broken on a large scale. Neither does the escape of some criminals abolish penal justice; no country is so well ordered that offences are not frequently committed or that wilful and concerted resistance to the law never occurs."<sup>2</sup>

I am not suggesting that the defences set up by the Central Powers to their violations can be made good. The doctrine of military necessity means, in its application, the negation of all law. Reprisals can only be justified when they comply with the restrictions imposed by International Law. These restrictions have been habitually disregarded by

<sup>1</sup> *Deutsche-Juristen Zeitung*, January 1915.

<sup>2</sup> Phillipson's *Wheaton*, Introduction, p. xl.

Germany. The doctrine of changed conditions—*rebus sic stantibus*—is also only applicable when certain recognized provisions are observed. For instance, the invasion of Belgium took place under the very circumstances contemplated by the Treaty of Neutrality and under the conditions for which the treaty was intended to provide.

All jurists and publicists are agreed that alteration of circumstances never gives a State a right to liberate itself by independent action and without further steps from the obligations of a treaty; it only enables a State to insist upon a revision of the treaty or its abrogation; when a treaty is made between several Powers in their common interest, the duty to refrain from a breach without first obtaining release from its obligations is still stronger. Referring to the Belgian treaties of neutrality, Westlake wrote, "There are no treaties which combine in a higher degree the common interests of all parties and the common hope of benefiting every one. Consequently there are no treaties in which it is less allowable to claim for itself, to the exclusion of others, the advantage of a change of circumstances which it may allege has destroyed the reason for the treaty."¹

In the future, in all treaties entered into for an indefinite period, it should be expressly stipulated that any of the parties is entitled to give twelve months' notice of its intention to repudiate any or all of its provisions which it may consider injurious to its national interests.

Thus although Germany has broken every rule of International Law and every principle of humanity, when it suited her material interests, she has invariably appealed to the Law of Nations and to existing treaties when it suited her purpose. In the cases of the *Appam* and the *William P. Fry*, for instance,

¹ *Revue de Droit International et de Législation Comparée*, 1901, p. 394.



she relied on the treaty of 1828 between Prussia and the United States, and in her detention of the American Ambassador on that of 1799.

On the whole, of course, Germany has only paid lip-service to International Law. If she wins she will not even do this. "Under our lordship," says the German jurist Professor Stengel, "all International Law would become superfluous, for we of ourselves would instinctively give to each one his rights."<sup>1</sup>

Naturally a super-State and International Law are incompatible. If Germany won, International Law would indeed be destroyed. But although somewhat impaired, it is far from being destroyed. It will, I venture to predict, survive the assaults of Wilhelm II, as it survived those of Philip of Spain, of Louis XIV, and of Napoleon. Indeed, it will emerge from the present struggle stronger than ever, since this is a fight between State absolutism and the public conscience of the world; between unconstitutional and constitutional nationalism, in which the latter is bound to win ultimately, even in Germany herself. Of this there is even now some evidence. Every German jurist has not fallen a slave to the unconstitutional nationalism of the Hohenzollerns. Dr. Franz von Liszt has had the courage to declare that "the fundamental principle of all International Law is *pacta sunt servanda*;"<sup>2</sup> whilst Lammasch, Wehberg, and Schücking have dared to oppose to the predominant immoral conceptions, expressions of disapproval. Even Kohler believes that war is only legal in so far as it keeps within the limits of International Law, and that wars will only cease when International or Super-national Law, as he terms

<sup>1</sup> In the treatment of Poland before the war and of the inhabitants in Belgium, Serbia, Rumania, France, and Poland during the war the success of German instinct has been amply demonstrated.

<sup>2</sup> *University of Pennsylvania Law Review*, June 1916.

it, has developed in such a way that the sovereignty of the individual States obeys unconditionally the authority of the higher law, and when organs exist which declare the higher law and are in a position to enforce it.<sup>1</sup>

The weakness of International Law has lain hitherto, not so much in the alleged absence of a sanction as in the lower stage of its development compared with that of municipal law. In the early stages of the history of the latter there was no distinction between civil injury, such as a breach of contract, and a criminal injury, such as theft or homicide. In either case the injured party was left to seek his own redress at first by self-help, regulated by strictly enforced formulæ, later by appeal to the decision of an arbitrator, and eventually by submission to a judicial tribunal. Even then the offence was regarded as entirely the concern of the injured party,<sup>2</sup> who might pursue his remedy or not as he pleased. If he did not, it was no concern of any one else. As, however, the recognition of common interests increased in a community, certain offences against the person and property of a member began to be regarded as also directed against the interests of all the members of the community. Such offences became crimes against the State, to be tried and punished by the courts. To the injured party was no longer left the option of pursuing his remedy or not. He was bound over to prosecute, and only after a criminal prosecution was he permitted to bring his civil action for damages. Offences of such a nature were regarded as breaches of the King's peace, to be punished by the King's courts.

International Law has not yet reached this stage in its development. An offence against one nation

<sup>1</sup> *The Philosophy of Law*, p. 305.

<sup>2</sup> Or (more generally) of his *group*—as now in the City of New York. See "The Gangster's Elegy" in *Beef, Iron, and Wine*, by Jack Lait; Heinemann, 1917.

by another, leading to a breach of the world's peace, is not yet regarded as an offence against the family of nations. It is not yet regarded as the duty of those States which stand outside the dispute to intervene to maintain the law. When a breach of International Law takes place "there has," says Senator Root, in his epoch-making address to the American Society of International Law, delivered at New York in 1915, "been no general recognition of the *right*, still less of the *duty*, of other nations to object." It is only recently that offers of mediation in disputes between one or more States by a disinterested Power have been recognized as friendly acts.

Hitherto when a wrong has been inflicted upon one State by another, the injured State has been left to pursue its own remedy by its own means. The primitive doctrine of self-help could alone be invoked. The invasion of Belgium, for instance, constituted not only a violation of Belgian neutrality but also a breach of the world's peace. The United States was not, it is true, a party to the Treaty of Neutrality, but it was a signatory to Convention V of the Hague Conference, 1907, whereby it was agreed that "the territory of neutral Powers is inviolable."<sup>1</sup> No protest, however, was forthcoming from any of the neutral Powers. They acted on the old assumption that those not parties to the dispute had no concern in the enforcement of the rules of International Law. In the case of the United States the Monroe Doctrine was of course an obstacle to intervention.

At first, it is true, President Wilson did denounce the German submarine warfare on the ground that it violated the rights of all neutrals, but in his final note to Germany, instead of regarding it as the duty of a great neutral Power to insist upon the general observance of the law, he merely demanded immunity for American citizens and their property from illegal submarine attacks.

<sup>1</sup> See Hague Conventions, (1) Art. 3.

As Senator Root has very properly insisted, there must be a change of view: "Violations of the law of such character as to threaten the peace and order of the community of nations must be deemed to be a violation of the right of every civilized nation to have the law maintained."<sup>1</sup>

This is what Lord Grey of Fallodon meant when he said that after the war the success of a League of Nations would "depend upon whether the national sentiment behind it is so penetrated by the lessons of the war as to feel that in the future each nation, although not immediately concerned in this dispute, is yet interested, and vitally interested, in doing something, even if it be by force, to keep the peace."<sup>2</sup> If this view is generally adopted, breaking the peace of the world will be regarded as a criminal offence is now regarded in municipal law. Norman Angell's contention, that so interdependent are the economic relations of all nations that war in one quarter of the globe will affect the interests of a neutral in another quarter, has been amply demonstrated in the present war. Under the pressure of hard facts, it is becoming more and more recognized that the interests of the peoples of all nations are really identical, and that war is the common enemy. "No nation," declared President Wilson in his address to the League to Enforce Peace, "can any longer remain neutral as against any wilful disturbance of the peace of the world."<sup>3</sup> Neutrality will tend to disappear, since such an offence will be an offence against every State which every State is concerned to prevent or punish. With this recognition will follow the enthronement of Public Right in the relations between States, carrying with it a corresponding Public Duty. These rights and duties will be expressed in International Law.

<sup>1</sup> *Addresses on International Subjects*, p. 400.

<sup>2</sup> *The Times*, October 24, 1916.

<sup>3</sup> This idea originated with Norman Angell.

"The principle of Public Right," said President Wilson in the same address, "must henceforth take precedence over the individual interests of particular nations." Alliances and understandings are not sufficient. There must be, he declared, "a common agreement for a common object . . . at the heart of that common object must lie the inviolable rights of peoples and of mankind."

It has, indeed, been alleged that International Law is not law at all, since it does not comply with the requirements of the Austinian definition of "a rule laid down for the guidance of an intelligent being having power over him," or of "a command set by a sovereign person or a sovereign body of persons to a member or members of an independent political society wherein that person or body is sovereign or supreme." It is true that no international sovereign power is in existence which compels obedience or inflicts punishment for violations of its commands. Nevertheless International Law, which expresses the general will of nations, does exist. Just as customary law is true law, even when no sovereign person or sovereign body of persons is in existence to enforce its commands, so International law is true customary law ascertained and developed, as Sir Frederick Pollock contends, by the authority of jurists, by recognitions and declarations in treaties, and by the embodiment of general opinion in the usages of nations. International Law is founded on general consent evidenced by conduct. A better definition of International Law than that of Lord Mansfield could scarcely be found. It is, he said, when Attorney-General, in the Silesian Loan dispute, "founded on justice, equity, convenience, the reason of the thing and confirmed by long usage." Although Kohler asserts that International Law without the support of a super-State cannot be true law, it can, he says, be law that develops in legal custom; it can be customary law. In International

Law to a greater extent than elsewhere, he declares, the greater principle exists that whatever is, is reasonable.

But whether International Law is true law or not, the fact remains that a vast body of general rules governing international relations—certainly the fundamental relations upon which international society rests to-day—have been and are still observed. If these general rules have no practical existence, for what are we now fighting? Are we fighting for the sacredness of treaties, the protection of small nations, and the general rules of right and wrong conduct between States, or for mere aggrandizement? No, the "Rule of Law" in the relations between States still operates quite apart from any fear of punishment. The more civilized States become, the more fully will it operate. The moral force of a solemn engagement by a State and the public opinion of other States upon its observance are no mean factors. As a modern English writer has well said, "International Law is based on the practice of civilized States in their dealings with each other, and such practice is the embodiment in action of the moral consciousness of communities."<sup>1</sup>

It is also objected that International Law is not true law because it lacks a sanction. International Law lacks neither moral nor physical sanction. "What we have to notice," said Maine, "is that the founders of International Law, though they did not create a sanction (i.e. physical force), created a law-abiding sentiment. They diffused among sovereigns and the literate classes of communities a strong repugnance to the neglect or breach of certain rules regulating the relations and actions of States. They did this, not by threatening punishments, but by the alternative and older method, long known in Europe and Asia, of creating a strong approval of a certain body of rules." They were

<sup>1</sup> Pearce Higgins, *The Hague Conventions*.



able, as Sir Frederick Pollock says, "to mould the custom of princes and their advisers while it was still plastic, and it took a form as a real though imperfect customary law, not a mere assemblage of moral precepts." As James Mill once said, "There is a power which, though it be not the physical force either of one State or a combination of States applied to vindicate a violation of the Law of Nations, is not without a great sway in human affairs. . . . The human mind is powerfully acted on by the approbation or disapprobation of the rest of mankind."

A physical sanction is present in the power of States to compel compliance with International Law on the part of other States by war or by exercising pressure short of war. The various modes of a forceful nature are classified under the heads of Reprisals, Embargo, and Pacific Blockade. Instances of these will occur to all students. Perhaps the most notable was that adopted by the United States in the Non-Intercourse Act of 1809 whereby Napoleon was constrained to withdraw his Berlin and Milan decrees, and Great Britain her Orders in Council, which according to the American contention were contrary to International Law. We have seen President Wilson breaking off diplomatic relations with Germany and threatening an armed neutrality in order to force Germany to observe the rules of maritime warfare. The ultimate physical sanction is of course war. All these modes, it is true, are forms of self-help. Nevertheless the fear that war may follow disobedience to the Law of Nations is surely, argues Mr. James Brown Scott, an evil sufficient to satisfy the intelligent citizen of to-day even if it failed to meet the technical requirements of Austin.<sup>1</sup> Sir Travers Twiss considered that such a sanction rendered International Law, law in the strictest sense. "The ruins of Sevastopol," he wrote, "bear

<sup>1</sup> *American Journal of International Law*, 1907, Pt. 2, p. 863.



convincing testimony that this is not a fiction of jurists but a stern reality of international life."

No doubt both the moral sanction and the physical have proved imperfect in extent. But however imperfect, both have been in operation. The voluntary submission of powerful States to the decisions of arbitrators specially appointed or of courts possessing no compulsory powers illustrates the former. The involuntary submission to the decisions of Prize Courts and to the imposition of retorsion—e.g. a pacific blockade or actual war—illustrates the latter. This public conscience referred to by Maine and Mill may eventually develop into a full international *Sittlichkeit*. "Why," asks Lord Haldane, "if *Sittlichkeit* is observed on a vast scale within the State without any question of force, cannot it be so between nations? Can nations form a group or community among themselves within which a habit of looking to common ideals may grow sufficiently strong to develop a General Will and to make the binding power of those ideals a reliable sanction for their obligations to each other?"<sup>1</sup>

"As a matter of fact," said an American writer recently, "the only practical sanction of International Law is the public opinion of the civilized world."<sup>2</sup>

In the meantime, until this development takes place, how can peace be secured? Pacifism without force and force unless dominated by right cannot guarantee peace. The world Powers of Greece and Rome failed to preserve perpetual peace, just as the Concert of Europe and the Triple Alliance on the one side and the Triple Entente on the other in turn failed to attain this object. Peace, it is declared, might be maintained by adopting the principle of the Federation of the United States of America. In a Federation of Nations, it is said, the power of

<sup>1</sup> *American Journal of International Law*, vol. viii. p. 128.

<sup>2</sup> *The Basis of Durable Peace*, p. 102.

the united nations would be used as the guardian of the rights of each nation, just as the joint power of the forty-eight States of the American Union is the guardian of the rights of each State. The adoption of this principle is, however, impracticable for the present. The Kultur of the various States composing the American Union was more or less homogeneous. Nothing can be more diverse than that of the States of Europe, to say nothing of those in the rest of the world. Obviously a Federal World State is not yet in sight.

#### A LEAGUE OF NATIONS.

The considered opinion of publicists of the Entente Powers and of the two Americas is in favour of the American plan known as the League to Enforce Peace. In the following Articles are embodied the fundamental principles of the scheme :—

1. All justiciable questions arising between the signatory Powers, not settled by negotiation, shall, subject to the limitation of treaties, be submitted to a judicial tribunal for hearing and judgment, both upon the merits and upon any issue as to its jurisdiction of the question.

2. All other questions arising between the signatories and not settled by negotiation shall be submitted to a Council of Conciliation for hearing, consideration, and recommendation.

3. The signatory Powers shall jointly use both their economic and military forces against any one of their number that goes to war or commits acts of hostility against another of the signatories before any question arising shall be submitted as provided in the foregoing.<sup>1</sup>

4. Conferences between the signatory Powers shall be held from time to time to formulate and codify rules of International Law which, unless some signatory shall signify its dissent within a stated period, shall thereafter govern in the decisions of the judicial tribunal mentioned in Article 1.

It is generally agreed that each member of the League should bind itself to submit, before resorting

<sup>1</sup> This has now been amended by including within the meaning of the section any Power whether a signatory or not.

to arms, any difference between itself and another member either to a Court of Arbitration if the difference be justiciable, or to a Council of Conciliation if it be non-justiciable.

But opinion differs acutely when it is sought to bind each member to employ force to resist a member which breaks this agreement by resorting to war without submitting the dispute to arbitration or conciliation.

The American Branch of the League to Enforce Peace is prepared to oppose such a law-breaker with all the forces, military, naval, and economic, at the disposal of the League. The British Group favours the same policy; but some individuals in both countries would go even farther, and would employ such force in enforcing the award of the Court of Arbitration or the recommendations of the Council of Conciliation. On the other hand, Pacifists such as Mr. Bryan in U.S. and Dr. Evans Darby in Great Britain are opposed to the employment of force for any purpose whatever. The former would not support its employment even in resistance to an aggressive Power which resorted to arms in breach of its agreement to submit to arbitration. The latter considers that an armed force means coercion, which in its turn would produce war. War cannot, he argues, be put down by war. Material safeguards of peace never have been and never can be devised. "Not even a League of Nations with material armament sufficiently powerful to enforce its will can effectually guarantee a warless world or the honourable enforcement of a moral obligation."<sup>1</sup> The American plan in his view is only a new way of forming an alliance for a definite end—the domination of the world in the interests of peace. This view finds some reflection in Germany. According to the *Cologne Gazette* of February 5, 1917, the Central Committee of

<sup>1</sup> *Enforcement of the Hague Conventions*, Grotius Society, vol. ii.

the National Liberals repudiated all idea of a League of Peace on the ground that "the settlement of international disputes by a World Court would always work out to Germany's disadvantage."

President Wilson's plan, it is urged, "would leave room only for a strong England and a strong America." The only safety for Germany lies in her military power. The American plan, asserts Dr. Evans Darby, seeks to impose its will upon the world by force of arms if necessary. The imposition of will and its enforcement by arms is the essence of all wars. Although this attempt of America to obtain the hegemony of the world is more creditable than that of Germany, the object is the same, and the means ultimately the same.

Another group, represented by Senator Root, objects to the nation giving a pledge to employ force in advance. It has no objection to force on principle, but considers that the nation should be free to decide the issue of its employment when the occasion arises.<sup>1</sup>

Too much stress has in my view been laid upon this question of force. The title of the League itself is unfortunate. Force is really a secondary consideration. The members of a League of Peace must first recognize their common interest embodied in the general will, which, creating a Public Right, finds expression in International Law. The true sanction of International Law is the public conscience of the nations. In the background for the prevention of crime and the punishment of the law-breaker stands physical force in the form in the one case of self-help, in the other of public help. I have said that force is a secondary consideration. Until nations are conscious of a general will, there can be no rights between nations. When public

<sup>1</sup> Moreover, such a pledge would be contrary to the Constitution of the United States, whereby the power to declare war is lodged in the Congress.

rights are fully recognized there will be little room for force. Public conscience, *Sittlichkeit*—call it what you will—will for the most part be sufficient. Until full recognition, however, is attained the consciousness of a common interest will be strengthened, not merely by endeavouring to maintain the peace, but by offering economic advantages to members of the League. A League which relied on the sword alone for the maintenance of peace would assuredly perish by the sword.

But a League which refused to pledge itself to employ its naval, military, or economic forces to resist, restrain, and punish the lawbreaker among nations would give little security to its members. President Wilson, it may be noted, is prepared to use force in the service of common order, common justice, and common peace.

The basis therefore for a League of Nations, Confederation, or whatever combination may be formed, must not be force but a recognition of public right between nations, and of public right within each nation. In such a union an unrepentant Germany, seeking to put herself at the head of the League as proposed by von Bethmann-Hollwegg and von Zimmermann—i.e. to impose her will on the rest of the members—can find no place. There can be no common interest, no general will, no equal rights, no general public conscience, no agreements resting on good faith, between States based on unconstitutional nationalism and those based on constitutional nationalism. In such a union we should inevitably incur the tortuous intrigues perpetrated by the members of the Holy Alliance a century ago. The object of the Alliance was not merely the maintenance of the balance of power but the suppression of democratic forces. If a League of Peace or a Confederation of Nations is to materialize the foundations must be well and truly laid.

The policy of the "clean slate" favoured by some

Constitution-mongers must be avoided. We must never forget that human institutions are a growth, and that the longer they take in the process the more permanent are they likely to prove. The nucleus must be there before any crystallization can be formed. Any new plan must follow as far as possible the evolutionary lines of slow and natural development. As the elder Liebknecht said, the new must always be the "legitimate child of the present." The superstructure must not therefore be an entirely new building resting on new foundations, but an enlargement of the old building—a growth resting on the past, not a brand-new erection arising out of the disorganization of the present.

Moreover, in any new departure the scheme, if it is to meet with general acceptance, must be as simple as possible. It must not be overloaded with non-essentials or even with factors which, though desirable, are not for the moment within reach. The final objective may indeed be fashioned as ambitiously as possible, but the immediate demands should only be those which are attainable. The cry, for instance, for an International Parliament, with its International Executive and International Police, is obviously impracticable. Even in Europe we have States in different stages of development. Their delegates to the Central Council would be elected on different franchises. Some might be true representatives of their peoples, but others would only represent minorities — dynasties, bureaucracies, commercial syndicates, and concessionaires. Under such conditions what State will consent to surrender its sovereign rights to an international super-State? What State will consent to abandon what it deems vital to its existence as a sacrifice on the international altar? The cry for disarmament is as illusory as it is impracticable. So long as you tolerate the causes of war, so long will you have war. And as long as these causes exist, States will fight whether you have



disarmament or not. Remove the causes of war, and you will find peace. A common interest of mankind is free intercourse—unrestricted exchange of commodities, of ideas, facilities for transport and travel. The attempt to secure the monopoly of these benefits or to levy blackmail has been the most fruitful source of war and the denial of public right. Forty centuries ago the City of Troy at one end of the Dardanelles controlled the trade between the East and West, whilst to-day, at the other end, this point of vantage is situate in Constantinople. It is to the common interest that such opportunities for exploitation should cease. Such waterways should be neutralized and placed under the control of an International Commission. The policy of the "Open Door" will remove one at least of the most potent causes of war. Trade wars after the war would constitute, not only "a complicated form of folly," but "a crime against civilization."<sup>1</sup> And the policy of the "Open Door" must be applied, not only to secure economic liberty and equality for trade, but for capital, enterprise, and labour in the development of natural resources in backward countries.

#### CONSTITUTION OF A LEAGUE.

What of the constitution and the machinery of the League of Nations to secure peace? I again repeat, we must build on existing foundations. He who grasps at too much inevitably loses all. We must work upon the lines of existing international treaties and unions. Innumerable treaties of commerce and navigation between two or more States, treaties for the extradition of fugitive criminals, conventions for the suppression of White Slave traffic, sanitary conventions, Geneva Conventions for the relief of the wounded and prisoners of war, the Hague Conventions for the mitigation of the horrors of war

<sup>1</sup> J. A. Hobson, *The New Protectionism*, p. 113.



have been concluded. Unions, some twelve in number, each dealing with a specific common object, have been created, of which the best known are the International Telegraph Union and the Universal Postal Union with offices at Berne. Others are the International Offices for Weights and Measures; the International Unions for the Protection of Industrial Property and of works of Literature; the Pan-American Union; the Anti-Slavery Conference; the International Union for the Publication of Customs Tariff; the Central Office for the Regulation of Transport; the Sugar Convention; the International Agricultural Institute, and the International Office of Health.<sup>1</sup>

These Unions combine the recognition of public rights with the principles of representation and self-government. The Congress of a Union composed of delegates from each Government of the States forming the Union, in order to attain the common object, pass general rules which must receive the unanimous vote of the delegates. These rules must be ratified by each Government so as to bind its own citizens. Within the ambit of these rules each State is free to legislate as it deems best for its own requirements. It must be observed that no rule can be imposed by the majority of delegates upon a dissenting State. Every rule rests upon the consent of each State. Disputes upon the interpretation of the rules may be submitted to the Bureau and if so desired referred to arbitration. If the award is repugnant to one of the parties, its only remedy is to persuade Congress to amend or dissolve the rule or to secede. There is as yet no international sanction to enforce compliance. The only sanction is that within each State. None the less the general rules are observed, even when they inflict some hardship on individual States. In such cases it is

<sup>1</sup> F. Naumann, *Mitteleuropa*: W. R. Bisschop, *International Leagues*, Grotius Society, vol. ii. p. 125.

recognized that the common interest transcends individual interests and that the limitation of individual sovereign power brings its own compensation.

In the creation of a League of Nations therefore, if we are to build on lines of natural development, we must adopt the principle of Confederation rather than that of Federalism. We must create a League of Nations, not a Federal State. Premature attempts to cut down national sovereign power will be opposed, and even if accepted would in practice prove illusory. Some limitation is necessarily involved, as we have seen in the case of the Unions. But we must remember that national interests only very slowly give way to international interests. Just as in the Unions a method has been discovered for obtaining legal and administrative conditions which transcend those existing within the individual States without impairing too much their respective sovereign powers, so in a League of Nations a way may be found for obtaining similar results. In the United Kingdom of Great Britain and Ireland, in the United States of America, and in the British Dominions beyond the seas, the component units surrendered some of their sovereign powers for the sake of a common object.<sup>1</sup> In the British Empire this process was reversed. In order to confer the fullest measure of self-government, the British Government surrendered most of its sovereign powers in favour of its great Dominions. In the former we see a common object, self-government and representation: in the latter representation is only now taking shape. In the United States even after the Union some maritime States maintained separate State navies. In the formation of a national Navy, whereby with a smaller force, run at a less cost to each, the protection of all was assured, we see in the distant future a method

<sup>1</sup> Cf. more particularly the division of sovereign power in the Constitutions of the Dominion of Canada and of the Australian Commonwealth.

for national disarmament and the creation of an international force for protection against aggression.

The constitution, then, of an International Union to Maintain the World's Peace must be based on a general will to attain this object, upon equal representation and upon the right of each member to pursue its national interests so far as these do not conflict with the general will. And it is also essential that within each State the "Rule of Law" should prevail, in other words that constitutional government and free institutions should be in existence. In such a Union an unrepentant Germany, with its denial of the rights of small nations and its creed of aggressive domination, can find no place. The present Entente Powers would naturally form the nucleus, and it is to be hoped that the present neutrals, including the United States, may become members. No State, however, with free institutions and constitutional government must be denied admittance.

#### THE CONGRESS.

Upon the conclusion of the present war, delegates from each State would meet in congress at The Hague and draw up the constitution of a League of Nations and construct its machinery. In framing the articles of the constitution care must be taken to assign approximately the weight to each unit proportionate to that of the State it represents. Great Powers will not submit to be out-voted by a group of small Powers. The principle of equality of States which obtained at the Hague Conferences, implying that every State, however insignificant, is entitled to an equal voice with the most powerful, only resulted in preventing even the discussion of questions vital to the common interest of nations. William Penn in his scheme of a European Diet anticipated this mischievous doctrine. He proposed that the number of delegates from a State should be in proportion

to the value of such State's territories.<sup>1</sup> Whatever standard of value be adopted, whether that of territory, population, or wealth or any combinations of these, the delegates would form a Congress in which each constituent State should possess a voice approximately commensurate with its position in the world.

The delegates would naturally be nominated by their respective Governments. In order to surmount the dangers of secret diplomacy, and of instructions of a purely national character, each national Legislature might appoint a committee after the model of the American Foreign Relations Committees, which should have the right to examine all instructions to the delegates and to call for all documents. This Committee might act also as an advisory Committee to its national Government. Composed of men selected for their knowledge of foreign politics and International Law, such a body should act as a check to purely selfish national policies and to a too narrow interpretation of international obligations. As legislators the members of the committee would be in a position to educate public opinion and to assist the national Legislatures in ratifying the International Code when presented for its acceptance by Congress.

At first it will probably be found more convenient and practicable for Congress to declare that its courts will be bound by those rules of International Law at present generally accepted. A codification of these rules and usages will be a work of many years. If Congress decides to assume this labour in annual or other periodical sessions, the revision of International Law and proposals for its extensions should be entrusted to a permanent committee of its members.

Democratic control of foreign policy, however, will not prevent war, unless commercial freedom is recognized as one of the common interests of the League. A war for commercial advantages may be as popular as any, yet waged for territorial aggrandizement

<sup>1</sup> *The Peace of Europe*, p. 13.

This committee should be in close touch with the various Associations of International Law within the constituent States. By this co-operation a code of International Law might be enacted by Congress and periodically brought up to date. Based upon general consent, the necessity for its enforcement by physical force would rarely arise. If such necessity did arise it would remain for Congress to decide whether to exercise it or not.

#### EXECUTIVE COUNCIL.

A League of Nations without an Executive to take measures for defence against a breaker of the peace would be in a helpless position.

One weakness of the proposed League to Enforce Peace lies in the fact that an aggressive Power determined on war might submit its case to arbitration or conciliation and nevertheless defy the award by immediate recourse to war. In such event it would remain for Congress to decide whether to resist the aggressor by force of arms or not. If it decided to do so, an Executive Council with the means at its disposal and with plans of campaign already prepared must be in existence, ready to strike at the earliest possible moment. This involves a prior settlement of the proportion of military and naval force to be contributed by each member, and the appointment of an international military and naval command.

The choice of going to the support of the State attacked should in my opinion be left to Congress. No State can be expected under the present circumstances to give an unconditional pledge to go to war with another constituent State with which it may have been in close alliance. Nevertheless if Congress did decide to lend its support to the State attacked, it might be left to the discretion of the Executive Council to dispense with the active assistance of an unwilling State. Moreover the situation of small States on the Continent is very different from that of



Great Britain and the two Americas. Holland, for instance, might be overrun like Belgium, before the League could move to her assistance.

Another weakness of the proposed League to Enforce Peace lies in the omission of any provision against attack upon members of the League by non-members.<sup>1</sup> By the plan of the British League of Nations Society, provision for mutual defence in the case of a non-member attacking a member without first having submitted the cause of dispute to an appropriate Tribunal or Council is made. A League of Nations without such a provision could not hope to displace the present system of defensive alliances.

#### COURT OF ARBITRATION.

The composition of a Court of Arbitration does not present any insuperable difficulties. It might be similar in its institution to the Permanent Court of Arbitration of The Hague, consisting of a panel from which a court for the decision of justiciable cases as they arise might be formed. A wide choice of arbitrators should be given to the disputants, but care should be taken that two at least of the arbitrators should be men of wide judicial experience. Whether a case is justiciable or not should be determined, as is usual, by the Court itself. An appeal from its decision might, however, be allowed to Congress.

#### COUNCIL OF CONCILIATION.

The more dangerous disputes are of course those involving "vital interest, honour, or independence." For the settlement of such non-justiciable cases a purely judicial body is not required. The Council of Conciliation therefore should be composed of the most eminent public men in the constituent States. They should be men of wide experience in public affairs and accustomed to take an international

<sup>1</sup> This has recently been removed.

rather than a national view. They should possess an intimate and practical acquaintance with foreign politics and with International Law. The success of the Council in my view will depend upon the power of its members. If they are to be mere delegates of their respective States appointed *ad hoc* and bound by the instructions of their respective Governments, we shall only have a repetition of the Concerts of Europe and the Hague Conventions. No doubt these bodies have performed invaluable functions in the past, but their usefulness has been impaired by their want of independence. In the decisions of the Council of Conciliation what is required is not so much a compromise between conflicting national aims as a settlement based on fundamental principles. Such a settlement might not commend itself to either of the disputants; but a decision which commended itself to the opinion of the world as obviously just and fair might form a basis for a voluntary settlement of the dispute by the parties and in a modified form eventually be adopted by them. In any case a State which rejected such a decision, more especially if the other party accepted it, would place itself in a very invidious position.

It is part of the American plan that a period of twelve months shall be allowed for the proceedings before the Court of Arbitration or the Council of Conciliation. American publicists attach great value to this "cooling off" period. Not only would it provide time in which the opinion of the world might formulate, but what is perhaps of almost equal importance, it would permit opinion within the States of the parties to the dispute to be gauged as well. It might at least prevent a State being rushed into war by its hot-heads in the absence of knowledge of the real facts of the case.

Mobilization on a war footing by either party during this period must be regarded as an act of aggression and equivalent to a *casus belli*.



ENFORCEMENT OF AWARDS AND  
RECOMMENDATIONS.

A pledge in advance to enforce awards or recommendations is obviously impracticable. If the State found in default refuses to comply, in the interests of justice the League must take some action. In such case it will be for Congress to decide whether collective action should be taken, and if so in what form. The pressure to be applied may be economic or naval or military or any combination of these methods. Whatever the character of the pressure it would be the duty of the Executive Council to see to its application.

## COURT OF PRIZE.

In addition to the Court of Arbitration and the Council of Conciliation an International Court of Prize as proposed by the Hague Conference 1907 should be established. This Court would entertain appeals from national Prize Courts in certain specified cases arising in the course of a naval war. In the words of Art. 10 of Convention XIII the Court is to be composed of judges and deputy judges, appointed by the Powers, all of whom must be jurists of known proficiency in questions of International Law and of the highest moral reputation. By Art. 11 the judges are appointed for a period of six years and their appointments can be renewed.

## CRIMINAL COURT.

The present war has shown that for the trial of violations of the laws and usages of war on land and sea an International Criminal Court should be created. This Court might have original as well as appellate jurisdiction. In course of time it might develop into a Court for the trial of breaches of the Law of Nations other than those of prize. It should be composed of jurists of acknowledged eminence

in the legal profession, possessing practical experience in criminal law and criminal procedure. Their appointments should be fixed for a period—say for six years:

Unless or until some executive body came into existence, the judgments of the Court would have to be enforced by those States in the power of whom the prisoners lay. To this there is one exception. The penalty of *infamia* known to the Civil Law of Rome might be imposed in addition to or in substitution for any other punishment. Just as the decree of *infamia* in ancient Rome carried with it the loss of civil rights, so those found guilty of the grosser offences against the laws and usages of war might be stigmatized before the world, and deprived of all those rights and privileges conferred upon aliens by Municipal or International Law and custom. The original jurisdiction would be necessary for the trial of those offenders who were waiting trial in the hands of a belligerent or who were given up by their own State after the war. Naturally the Courts of first instance are courts martial, with an appeal in case of the death penalty to the Commander-in-Chief of the field forces and in naval warfare to the Admiral of the Fleet. For certain offences, the punishment, if it is to act as a deterrent, must be immediate. As may readily be conceived, certain offences committed within the area of military operations are of such a character that even if the penalty be the death sentence, they must be punished on the spot. In all other cases, however, an appeal to the International Court of Criminal Appeal should be allowed.

#### COUNCIL OF COMMERCE.

A League based on the "New Protection" is doomed to failure from its inception. It is manifest that a universal boycott of the Central Powers after the war would fail, and that the compulsion of cir-

cumstances would make short work of the resolutions passed by the Paris Economic Conferences. A League of Nations, if it is to obtain more than ephemeral success, must embody as a main principle in the constitution commercial freedom. The ultimate object of the Council should be to establish universal Free Trade. This for the present can only be an aspiration. With the policy of the "Open Door" as an ideal, the Council should, however, lay down in its Charter of Commercial Freedom some elementary principles. These principles should recognize the right to economic liberty and equality for trade and for capital, enterprise and labour in the development of natural resources in backward countries, and the right to free access to raw materials in an open market.

The members of the Council should be selected from Congress, but they might be empowered to appoint International Commissioners to deal with these various branches of international commerce and to draw up regulations for its administration. Such regulations should of course obtain the approval of Congress and must be adopted by the Governments of the constituent States.

#### HEADQUARTERS OF THE LEAGUE.

It is essential that the League should possess a permanent home, if only as a visible symbol of its existence. Its site would naturally be The Hague, but Rome or Constantinople would be equally suitable—the latter perhaps the most suitable, especially if the city were neutralized and placed under an International Administration. On this spot all the bureaux of the Unions to which I have referred might be housed, and here might be established a University in which the leading professors in the humanities, history, economics, jurisprudence, and International Law might congregate. The capital of the League should be the meeting-place of

nations and the intellectual clearing-house of the world.<sup>1</sup>

These and innumerable details remain to be worked out. Difficult as it may appear, the creation of some such League as this for the prevention of war, although not for the maintenance of perpetual peace, is not insurmountable. But even for this partial success the underlying principles of Public Right must be observed.

Each member of the League must be conscious of a common interest and prepared to sacrifice, if need be, its purely national interests to international interests. Each in demanding recognition of its rights must acknowledge the similar rights of others. Each in claiming the performance of obligations by others must be prepared to perform its own obligations. There must be equality before the law. In other words the "Rule of Law" must be observed. And the "Rule of Law" must obtain, not only between States, but within each constituent State. As President Wilson has declared: (1) "Every State has the right to choose the sovereignty under which it shall live"—i.e. nations such as Poland, Finland, and Ireland have the right to political freedom, the right to self-government; (2) "the small States have a right to enjoy the same respect for their security and territorial integrity that great and powerful States expect and insist upon"; and (3) "the World has a right to be free from every disturbance of its peace that has its origin in aggression and disregard of the rights of people and nations."

If these principles are accepted and applied in the relations between States as they have been in the relations between individuals within the State, there will be little necessity for the application of force. An international *Sittlichkeit* would gradually develop. Even an unrepentant Germany would hesitate to defy the organized opinion of the world, backed by

<sup>1</sup> Brailsford, *A League of Nations*, p. 304.

potential overwhelming military and economic forces. Moreover, if the broad principles of commercial freedom were adopted, the privileges conferred would be too valuable to be lightly risked. The power of expulsion from the League would on this ground alone constitute a formidable sanction.

On the other hand, the creation of organs and machinery, whether for the mere preservation of peace or for all that peace connotes, will prove illusory<sup>1</sup> unless based upon the underlying principles of Public Right. The exaltation of the State above all law and morality, the lust of power, commercial greed and rivalry, the exploitation of backward races, unhappily find their exponents even in this country. In the coming settlement which is to culminate in a League of Nations these two sets of principles will be in conflict. There can be no compromise; one or the other must prevail. We can only hope that the general will among the peoples of all nations will prove sufficiently organized and vocal to compel the ruling classes to listen to the voice of reason and justice and to establish the higher law as a living force in the daily lives of the peoples of the world. The blow which the people of Russia has struck for freedom and modern government is of good omen for the realization of constitutional nationalism, not only in Russia but in every other direction.

Those who desire to see established a world-State should remember that the national State is the most modern product of political institutions. The national State most nearly solves all the problems of political organizations as yet developed. In our present state of political development a universal Empire would not prove an unmixed blessing. It might bring material progress and efficiency, but it would inevitably result in political stagnation and perhaps despotism.

Institutions suited to the varied populations are an indispensable condition of political progress. They can only be created in an atmosphere of constitutional nationalism. Full scope must be given

to each State to develop its institutions in accordance with its national genius.

Whilst the national State therefore solves the problem of the public rights within the State, it also solves the problem of the public rights between States by the evolution of the system of International Law. By this means it preserves the advantages of the universal Empire whilst discarding its cast-iron regulations, its deadening influence, and its intolerant character. Lastly, the national State solves the problem of the relation of the central to the local government. In both it rests upon the principle of self-government.

Thus whilst it is the most powerful political organization the world has seen, it is the most free. All citizens are equal before the law; all citizens participate in the government.

"The national State," says Professor Burgess, "is the most modern and the most complete solution of the whole problem of political organization which the world has yet produced." <sup>1</sup> Nowhere does it yet exist in perfection, but it is in the making, and ill-considered schemes of a federal world-State would as surely wreck the political progress of the world as the materialization of the German dream of a super-State in Europe would blast constitutional government and free institutions throughout the countries under its power.

Nationalism as a force in the progress of civilization is far from spent. On the contrary, it is full of the vigour of youth. Based on freedom and constitutional government, it is to be as strictly maintained and jealously guarded as that based on autocracy and militarism is to be carefully avoided or utterly destroyed. Constitutional nationalism is a necessary stage in the political evolution of mankind. Only a League of Free Nations can reach that Utopia wherein a world-State based upon absolute justice will preserve perpetual peace.

<sup>1</sup> *Political Science and Comparative Constitutional Law*, vol. i. p. 39.



THE FOLLOWING ESSAY BY

C. E. M. JOAD

("CRAMBE REPETITA")

WAS AWARDED A PRIZE OF

20 GUINEAS IN DIVISION 1



## By "CRAMBE REPETITA"

It has been remarked that pacifism has suffered historically from the overwhelming weight of the logical and abstract arguments in its favour.

If pacifism may be taken to comprise the view that the appeal to force ought to be superseded, and can be superseded, as a method of settling international disputes, it is in a sense true that the sheer reasonableness of the case that can be made out against war has always tended to place it outside the bounds of practical politics. "The law of nature," says Locke, "willeth the peace and preservation of all mankind." But pacifism, in this sense, has not been so much "too good to be true" as "too good to be practicable," and it has been easy to discredit its advocates by complacently labelling them visionaries and Utopians.

The recent growth of interest in the subject is due, perhaps, not so much to the feeling that internationalism (the word is here used loosely to indicate the kind of international agreement outlined in Mr. Asquith's Dublin speech of September 25, 1914) is easier or more practicable than it has been—if anything, it is the reverse—as to the widespread conviction that it is inevitable if a repetition of the present war is to be avoided. The end to be achieved, however, is not more important than the difficulties in the way of achievement. The history of the attempts that have been made to establish international government bears witness equally to the power of the ideal over the human mind and to the magnitude of the obstacles that bar the way.

Numberless thinkers have toyed with the idea, and a few attempts have even been made to give it concrete expression.

All have ended in failure more or less complete, and, as the causes of failure in the past may be instructive as indicating in part what must be provided against in proposals for the present, it may be well to glance briefly at what may be called the literature of internationalism, and at such experiments as have been made to establish an International Government in practice. The views of those who have considered this subject in the past will provide a basis for suggestions as to the lines of a possible settlement after the war.

Furthermore, it is clear that the question of whether international, or perhaps more correctly supernational, government is possible, and not only possible but desirable, is bound up with the philosophical theory of the State.

Those theories which regard the State as the last word in the art of government can have little support for internationalist proposals. In fact, on what may be regarded as the extreme Hegelian view of the State, international government is impossible.

This essay may therefore be conveniently divided into three parts. First, a brief survey of internationalist literature and historical experiments in internationalism. Secondly, an examination of what may be called the philosophy of internationalism. Thirdly, a consideration of the various proposals recently put forward with the object of sketching a plan of international government which shall give effect to the "Idea of Public Right" as a guiding principle in international relations. This last section will involve the highly controversial question of the extent to which the use of force is desirable and necessary as a safeguard for international agreements.

## I

As might be expected, the first traces of internationalism are to be found in ancient Greece.

Most Greeks were by nature suspicious and distrustful, and the methods of Greek public life were such that they had good reason to be.

The Greeks, however, were free at least from the reproach of hypocrisy in the matter. They differed on the whole from modern diplomats in not making it a habitual practice to profess amicable relations with neighbours whom they were secretly trying to overreach. It was of course done on occasions. Thus, according to Professor Greenidge, the juristic or natural relation of one Greek State to another was one of latent hostility, and was recognized as such. This normal relation of hostility was only ended by a definite alliance. Brigandage and frontier raids between two adjacent States were in fact permissible, unless a definite treaty had been made forbidding them. Internationalism of a rudimentary kind, however, existed between State and State, based on the existence of common ties between the Greek cities, which distinguished them as a whole from the barbarians. These ties may be regarded, roughly, as community of religion, common ways of thought, a certain consensus of opinion as to the things which are valuable, and a certain degree of trust. Of these, community of religion is the most important. It was responsible for the two greatest unifying influences in Greece, the Amphictyonic Council and the Oracle of Delphi, and for that minimum of trust which was the basis of certain observances with regard to heralds, prisoners of war, and dead slain in battle. The existence of some one or other of these ties will be found to be an indispensable condition of the possibility of an International League to-day. It will, in fact, be found more feasible to form a joint Court of Arbitration,

or Commission of Inquiry to settle disputes, between England and America than between England and Sarawak, just because there exists a certain community of religion, a certain consensus of opinion as to what things are valuable, and certain common ways of thought resulting from similarity of civilization between the two former countries, which does not exist between the two latter. It will be well to bear in mind the influence of common ties, as exemplified by the rudimentary forms of internationalism in ancient Greece, when considering the conditions necessary for the establishment of international government after the war.

Nothing of importance for our present purpose is contributed by Plato and Aristotle or by their followers. The internal government of States rather than the external relations between States is the subject of their political thought. The same may be said, with unimportant exceptions, of mediæval writers. It is not, in fact, until the clearly defined nation-State—embodying a more or less homogeneous body of citizens—began finally to take shape, about the beginning of the nineteenth century, that the literature of internationalism becomes important.

The developments of the philosophy of Kant and Hegel have tended almost exclusively to exaggerate the importance of the “national” conception. Both writers, however, paid their tribute to the ideal of internationalism, and their contributions to the subject are far from unimportant.

The Greek view of freedom as something which can only be realized in its completeness in the realm of right or law is adopted by Kant. Accepting the old “Social Contract” theory, he regards the State as a contractual body. He extends this conception, however, beyond the State. Just as he imagined a Social Contract between individuals in the past, so he projects a Social Contract between States for the future. States will surrender their individual inde-



pendence in order to obtain a fuller freedom and security as members of an international body, which shall represent and give effect to the collective will of all States. A Federal League of Nations is contemplated, to which individual States will subordinate themselves in the interests of the permanent peace of Europe. The "Social Contract" theory as regards individuals was wrong, in so far as it presupposed the forming of a contract as a definite historical act in the past. "Society had not its formal beginning from any convention of individuals," said Blackstone. This statement is not, however, true of a contract between States. The State's law is not the outcome of a contract between individuals to live in society, because individuals have always lived in some form of society. But International Law, if it is to be really effective, will have to be based on a definite contract between nations, to abide by it, for the reason that an international society for the purpose of providing security and giving expression to human nature in the Greek sense has hitherto been non-existent.

Hegel's doctrine of the divinity of the national State, and its freedom from the external restrictions of social morality on the ground that it was in itself an embodiment of them, leaves no place in his system for international morality. He does not seem to conceive of *Sittlichkeit* as extending beyond the bounds of the nation-State. T. H. Green, however, inheriting as he did nearly all the fundamental principles of German idealist philosophy, pushed the conception of social righteousness to its logical conclusion, extending its application from the dealings between individual citizens of one State to embrace the relations between different States. One of the most important of Green's national rights is the right to live, and this right is violated every time a State compels its citizens to go to war. War, according to Green, was the attribute only of imperfect States.

It was not a necessary function of the perfect State. "Perfect the organization of your State," says Green in effect, "and automatically you will increase the freedom of intercourse of its citizens with citizens of other States." Increased freedom of intercourse means an increased sense of common interests, and the existence of common interests is the criterion of the reality of "one common society." Thus "the dream of an International Court with authority resting on the consent of independent States may come to be realized." It will be seen, when we come to consider the philosophical theory of the State, how far the more recent developments of the idealist philosophy by Green's followers have rendered the realization of his dream impossible. Green's contribution was, in brief, to extend his doctrine of the function of government, namely "to maintain those conditions of life in which morality shall be possible," and to regard it equally as a function and, in fact, the necessary object of international government.

A somewhat different approach to internationalism is indicated in the writings of Cobden, and, to a lesser degree, of Bright. Green based his case on the moral appeal, Cobden on the economic one. Cobden's famous ideal of Free Trade depended on, and was conditioned by, an amiable society of independent nations. To increase the maximum of available wealth was his main object, and he thanked God "that Englishmen live in a time when it is impossible to make war profitable." Bright, of course, hated war, and reinforced the economic appeal by moral arguments. The pocket of the individual and the welfare of humanity were found to be reciprocally advantageous, and to point along the road which led to a League of Nations too thrifty to incur the expense of war, and too fastidiously benevolent to outrage the finer feelings of civilized humanity. Gladstone developed the moral side of the case, Norman Angell the economic aspect.

Gladstone's doctrine of a "national mission" was based on the assumption that it was the duty of powerful nations to interfere in the relations of their neighbours, not only for the purpose of promoting their own interests but also for that of taking up moral crusades on behalf of the oppressed. As opposed to the orthodox Balance of Power policy, the only recognized principle in international relations at that time, he admitted the principle of interference on moral grounds, not by any means as a guiding motive, but as a motive which might not inconceivably actuate foreign policy on suitable occasions. This constituted a distinct advance, involving the admission of a moral element in a province which had hitherto been the playground of conflicting forces of interest and expediency.

Norman Angell's propaganda is familiar. It is in effect a somewhat fatalistic elaboration of the assertion that war does not pay. This is regarded as a truth so obvious, that its universal recognition in the shape of an International League for the purpose of evolving some alternative method of settling disputes is regarded only as a question of time. Like most materialistic theories based upon so-called self-evident truths, it is open to the objection that if the consummation indicated is inevitable there is no need to urge it. In fact, if Norman Angell's view be true, his propaganda is superfluous. A self-evident truth which is frequently overlooked is that self-evident truths are not evident to all people. And the commonest criticism of Angell's doctrines is that they are based upon a disregard of certain psychological attributes common to the majority of people: viz., the nationalistic, often called by modern psychologists the "herd instinct," which is the basis of most Imperialism, and the "pugnacious instinct," emphasized independently by Mr. Bernard Shaw and Mr. Bertrand Russell. The fact that human nature reacts in new ways to new

environments, strongly urged by Mr. Angell in support of his doctrine that human nature can be changed, does not alter the fact that it can only be made to react in the way required by a change of education directing it towards new ideals and a new sense of values—a change which can never spring from the so-called economic motive alone. To insist on the importance of a universal bank rate, and to deduce from it the conclusion that the financial interdependence thereby involved means that war cannot be a financial benefit even to the victor, may be sound reasoning. But to assume that men will refrain from doing what does not pay is to overlook the common human attributes of self-sacrifice, orthodoxy, and patriotism. Just as Hobbes' perfectly logical system, involving the absolute obedience of the subject to an absolute sovereign, was based on a disregard of the fact that there are always things of such a kind that people will die rather than tolerate them, so Mr. Angell's thesis is based upon a disregard of the fact that nations frequently prefer power to money, and that individuals almost always prefer the approbation of their fellows. It should be noted in passing that the probable outcome of Mr. Angell's principles would be the substitution of an international class war based on economic motives for a national war based on patriotic ones.

I have given perhaps somewhat undue space to a consideration of Mr. Angell's position, because, if my criticism of it is correct, an important truth appears to emerge, which is in every case confirmed by the above brief survey of leading internationalist literature. This is the truth that the economic appeal alone can never be a sufficiently firm basis for an International League. The demonstration of the economic advantages of peace, and the inevitable financial loss and insecurity of war, is not in itself a sufficient guarantee that peace will be kept, or that steps will be taken to ensure that it shall be kept. The sheer

reasonableness of the case for an International League, overwhelming as it may be, does not form a sufficient incentive for the establishment or maintenance of such a League. Some sort of moral appeal to the national conscience, or rather to the international conscience, of humanity must find expression before any real advance can be made. Such an advance cannot be made by underrating the strength of the national sentiment, by regarding it as incidental and not as inherent, and by endeavouring to resolve it into more fundamental groupings based on the divisions between classes. As Mr. Barker justly says in his volume on *Political Thought in England*, "Internationalism must pursue a legal development, not based on (though it may be aided by) economic facts, but based (as all legal development is based) on a sense of right inherent in a common conscience—the common conscience of the civilized world." The neglect of this consideration will, I think, go far to explain the failure of Marxian internationalism to become an effective force, and the *débâcle* of the internationalist-Socialist organizations when confronted with the outburst of exacerbated nationalism that witnessed the beginning of the war. An organization of Socialists aiming at internationalization for the purpose of securing a better distribution of wealth and abolishing capitalists would succeed (inasmuch as its motive power would be economic advancement) no better than the capitalist societies of to-day in subordinating the clash of conflicting economic ambitions to effective measures for the establishment of a world peace.

Before we proceed to consider the various schemes for the establishment of an International League that are current to-day, and the philosophy on which they are based, it may be advisable to take a glance at the various attempts in history to give concrete effect to international ideals. They are not numerous.

In 1713, after the Treaty of Utrecht had put an



end to the ruinous wars which had devastated Europe for the previous twenty years, we find a Frenchman named the Abbé de St. Pierre publishing a *Projet de Traité pour rendre la Paix perpétuelle*. The main proposals set forth in this work are: (1) A permanent alliance between the contracting sovereigns, with the establishment of a permanent Congress at which all disputes are to be submitted to arbitration. (2) The League to guarantee inalienably to each of its members the sovereignty of and succession to that territory which is in the possession of that member according to the arrangements made in the recent treaty. (3) The Congress to define the cases which would involve offending States being put under the ban of Europe. (4) The League to agree to conduct common offensive measures against any State thus banned, until it conforms to the general will. This scheme found no favour. It was too far in advance of the society of the Abbé's time. Even Rousseau dismissed it as chimerical. A century later the Abbé's proposals were revived by the Tsar Alexander I. This peculiarly enlightened monarch made a real endeavour to ensure that the fall of Napoleon would synchronize with some general European League which would for ever preclude a repetition of the late war. Definite proposals on these lines were made by him to Pitt in 1804, and in 1805 Pitt replied, welcoming the suggestion and defining the objects to be aimed at by the Confederation as three, namely: (1) To release conquered territories from French domination; (2) to form out of the countries thus released a barrier against future French aggression; (3) to establish after the restoration of peace a guarantee for the mutual protection and security of the different Powers, and to establish in Europe a general system of public law. To give effect to these proposals he contemplates a general permanent treaty between the European Powers, which should "all



engage to support and protect each other against all attempts to violate it. This treaty would give to Europe a general system of public law." These views found expression in the Holy Alliance founded 2<sup>a</sup> after the downfall of Napoleon with the professed objects of restoring rights and territories and of establishing a permanent peace. The failure of the Alliance to effect the second of these two objects is notorious. A more unblushing exhibition of diplomatic deceit and chicanery has rarely been witnessed than in the efforts that were made by the representatives of each Power concerned to secure advantages for their own nation at the expense of their neighbours. Canning's policy was an open avowal of the failure of the attempt, and until the crop of partial international proposals and agreements which signalized the opening of the twentieth century, no further efforts to realize internationalism were made.

Thirty years of more or less unbroken peace between the Great Powers produced a good deal of internationalist talk about this time. An International Peace Conference met in 1899, at which the 2<sup>a</sup> Tsar made proposals for pacific settlements. In 1898 a treaty was made, oddly enough, between Italy and 3 the Argentine, binding the two countries to submit all issues of dispute to arbitral settlement. In 1904 Denmark made similar separate treaties with Holland, 4 Italy, and Portugal. In 1907 the U.S.A. proposed 5 the establishment of a Court of Arbitral Justice for the settlement of all international disputes, and a definite Treaty of Arbitration was formed between Great Britain and the United States, which lapsed in 1914. The Hague Conference, however inadequate 6 it has been, remains the chief historical expression of the internationalist ideal. All previous attempts to realize it have failed, like the Holy Alliance, or have been too partial and restricted in scope, like the treaties between individual Powers referred to above,

to produce important results. An evil fate seems to have dogged all the attempts of nations to come together in permanent peaceful confederation. Commenting on this failure, Mr. Allison Phillip regards it as arising out of the defects inherent in the idea itself. Admitting in his book, *The Confederation of Europe*, the possibility of an *ad hoc* league of the Great Powers to enforce in any particular instance the principles recognized at the Second Hague Peace Conference, he is of opinion that such a League could never become either permanent or universal. What, he asks, would become of "the sovereign independence of nations" when faced by the power of such a League? "Especially," he says, "it would be the small States whose independence would be prejudiced; for though International Law recognizes in them the equality of all sovereign States, no international theory which could attempt to translate this theory into practice would survive. If, on the other hand, the voting power of the central 'Directory' were to be proportioned to the size and importance of its constituent States, the result would be precisely such a hegemony of the Great Powers as was exercised by the Holy Alliance after 1815." A rather different though equally potent argument is adduced by Sir Frederick Pollock to show the impracticability of any permanent League of the kind proposed. "The effective working of an international federal system," he asserts, "demands a far greater uniformity of political institutions and ideas amongst the nations of the world than at present exists." These are serious accusations, coming as they do from writers who have given as much study and thought to the subject as those from whom we have just quoted. Are we to accept their conclusions as final? The answer, to my mind, will depend in part upon the view which we adopt as to the nature of the State, with special reference to its external relations. This question I now propose to consider.

## II

Grotius, pre-eminently among early thinkers, held the doctrine of the freedom of States from all external restraints. Hobbes held that "*civitates natura hostes sunt*"; and one of the effects of the German philosophy of the State—which is still the orthodox political philosophy at Oxford, and at most of the Scotch universities—has been, by increasing the paramountcy of the State in internal affairs, to endow it with a similar irresponsible autocracy in the sphere of foreign relations. Aristotle abruptly begins by announcing that it is the nature of the State to be self-sufficing—which means that we can consider "The State" in essence without concerning ourselves with its relations to other States, and the whole subsequent history of political philosophy has been deliberately concerned with *The State* as such—as if the State were identical with the whole sum of civilized society. This striking omission, when combined with the Hegelian view of the ascendancy of the State, produces striking results. Kant, as we have seen, held that the State is based on contract. "Men abandon their wild, lawless freedom in order to substitute a perfect freedom—a freedom undiminished because it is the creation of their own free legislative will, but a freedom which nevertheless assumes the form of lawful dependence because it takes place in a realm of Right or Law." Hegel extended this notion of freedom. "It is active and objective; manifesting itself first in law, second in the rule of inward morality, third in the whole system of institutions and influences that make for freedom in the modern State." The State is therefore the indispensable condition of freedom, and the State's will is the sum of all the contractual wills of the individuals who compose it. Not only is it the sum of all their wills, but it is something over and above the sum: a new entity, with a being of

its own, brought into existence by the voluntary contract to delegate will and authority on which it is based. Besides, therefore, the obvious advantages which the individual owes to the State, such as the security from violence guaranteed by the laws, and free education for his children, he owes it to the State that his nature is what it is. It is only in the State that he can realize all that he has it in him to be, and the will of the State that regulates his outward life and morality is really a glorified edition of his own will purged of self-interest and individualism. "The State," in Hegel's words, "carries back . . . the individual whose tendency it is to become a centre of his own into the life of the universal substance," and, in so far as the State is a representative of the individual, the latter is made to transcend himself in the process. Thus the policeman who arrests the detected burglar is really the instrument of the burglar's own will, and the State which subsequently imprisons him is simply expressing the burglar's real will to imprison himself. Moreover, as the State is, and is more than, the sum of the consenting wills of all the individuals that compose it, its actions must always be irreproachably right in the sense that they always express those wills. Hence Hegel is led to a belief in the divinity of the nation. Being in itself the expression of the morality of all its citizens, it cannot be bound by moral relations: for relations imply two parties, and there can be no other party besides the State, which is the sum of all. The omnipotence of the amoral State is most strikingly emphasized in times of war. "The state of war," writes Hegel, "shows the omnipotence of the State in its individuality." From this it is but a step to the doctrines of Nietzsche and Bernhardt, which, by carrying the Hegelian system to its logical outcome, produce conclusions of a character so revolting as to have become notorious even with the "man in the 'street.'"

This theory of the State has been taken over root and branch and developed by English thinkers. Mr. Bosanquet, the leading thinker of the Idealist school, conceives of the State as an omnipotent entity subsisting in amoral isolation. "The State," he says, "has no determinate function in a larger community but is itself the supreme community; the guardian of a whole world, but not a factor within an organized moral world." The State being above morality, "it is hard to see how the State can commit theft or murder in the sense in which these are moral offences." It is not surprising that on this view the normal relation of the State and other States—when the existence of the latter is admitted—should be regarded as one of hostility.

This traditional political philosophy, both in its unconscious influence and in the expression it receives from diplomats and statesmen, is a serious obstacle in the way of an International League guided in its actions by moral considerations. If morality is from the very nature of the State an impossible attribute of State action, then the mutual trust and reliance which any intercourse between States for the purpose of the League demands is a chimerical dream. The traditional political philosophy has too often found concrete expression in the actual dealings of States with one another and in the utterances of their statesmen. Germany's action in 1914, in violating the treaty guaranteeing the neutrality of Belgium, is a perfect exposition of the traditional political philosophy. England's attack on Copenhagen in 1806 without a declaration of war—an attack justified on the grounds of the "immediate security of the people" (i.e. State interest), is another. History abounds with such examples. The question may be asked, Is a moral expediency inevitably the guiding principle of State action, and is it inevitably so because the traditional political philosophy is true?



The answer is that the traditional political philosophy is untrue. It is untrue in the principles which it assumes, and it is founded on a fantastic disregard of obvious facts. It is untrue in principle, because even if the theory of the paramountcy of the will of the State over the will of the people who compose it be admitted—and the proposition itself is by no means indisputable—it must be remembered that this paramountcy is based upon the doctrine that the State is the sum and representative of the consenting individuals who compose it. Individuals coerced by the State may thus be regarded as coercing themselves. But once the existence of individuals and bodies outside the State be admitted, it is clear that the same justification cannot be found for the irresponsibility of the State in dealing with them. The State in no sense represents or expresses the will of bodies outside the State. It cannot therefore urge the quasi-moral justification for coercing them which it asserts when dealing with its own members. Once this is admitted, it is difficult to see why it is any harder for the State “to commit theft or murder in the sense in which these are moral offences” when dealing with persons or bodies *outside* the State, than it is for a Church, trading company, or college authority to do the same. If the existence of morality is recognized as a possible guiding principle in the relation of one individual with another, it is difficult to see why it should suddenly vanish as a possible guiding principle in the relation of six individuals with six other individuals, especially if those six individuals are regarded as idealists would regard them, as possessing a corporate general will.

It is not true that the individual is guided by purely selfish ends, as the artificers of the “economic man” would have us believe, any more than that he is guided by purely moral or altruistic ones. The truth seems to be that each individual is much more attached to some persons than to others. He may



be the representative of a company or similar body of men, or the trustee for certain property. In these circumstances the individual will obviously pay much more regard to the interests of the group he represents than to those of other groups. The Foreign Minister of a State is in this position ; but it does not follow that he need entirely disregard moral motives in his dealings with the representatives of different groups. There seems, in fact, no reason to believe that the principle of morality, if admitted as an actuating motive in the relations of individuals, is precluded by the nature of the State from embracing relations between States.

The traditional political philosophy is based on a fantastic disregard of facts.

In speaking of the State as an exclusive entity, it disregards both (1) the large numbers of associations of individuals for non-political purposes which are not coterminous with the State, and (2) the relations of the State with other States.

1. The enormous increase in the growth of non-political associations of individuals in recent years is one of the most hopeful signs for the coming of internationalism. These associations are roughly of two classes : there are associations of individuals for economic purposes, and associations of individuals for ethical purposes. Such associations cut right across the bounds of the territorial nation-State, frequently embracing people of many different States, who have thus a community of interests other than the interests of their own particular States. Before the war it was true to say that by far the greater part of man's activities were concerned with associations non-coterminous with the State, and that these activities embraced all that was intimate and important in the individual's life—that is to say, all the things that touched his pocket, his heart, or his soul. Despite the enormous increase in collectivism and in the functions exercised by the State, it was

a commonplace before the war to say that the State only came into a man's life when he had to vote, pay taxes, or serve on juries. This growth of voluntary associations within the State is due in part to the universal acceptance of the "freedom of contract" theory as regards the individual. With the collapse of the *old* doctrine of National Rights, it is no longer held that there are certain definite beliefs which the State should endeavour to promote, that there is a certain kind of good life that individuals of all kinds ought to lead, and that a general way of living can be taken for granted amongst all the individuals of a given locality. Individualism has resulted at least in a final recognition that different kinds of lives are good for different people, and that above all freedom of choice, within limits, should be allowed to the individual as regards the life he should lead and the associations he should belong to. Thus the life of individuals in the State rested much less on habit than formerly. The sphere of local custom and tradition shrank; the sphere of individual initiative increased.

The societies of persons for economic purposes have already been glanced at in connection with the views of Mr. Norman Angell. The fact that the members of a company whose object is the production and importation of oranges from Brazil are much more interested in the welfare and interests of the Brazilians who send them oranges than in the concerns and welfare of their next-door neighbours in a London suburb, by substituting a non-political, economic, and international bond, based on common interests in money-making, for the old local national bond based on the chances of birth in the same square mile, has constituted a powerful incentive to internationalism by making war always economically disastrous. The State is of course concerned with the maintenance of the background of security which alone makes economic activities, in the modern

sense, possible. Hence the State must always survive. But in so far as the secure life with its possibilities of wealth will always seem more important to men than the conditions which maintain it, it is to be hoped that the business motive alone will in the long run do much to remove the philosophical tradition of the paramountcy of the State.

But, as we have tried to show above, the economic motive is not in itself sufficient. Syndicalism and the rise of Guild Socialism and trade unionism, with their concomitant growth of associations formed for industrial purposes—associations which sometimes transcend the bounds of the nation-State and sometimes lie within it—are also strongly hostile to the influence of the State. But some moral force is needed before the supremacy of "The State" and the hostility of States can be broken down. With the increasing complexity of the moral, or, more cynically, the nervous system of the modern man, it was found that politics and the State, with the purely State religion, were less and less able to satisfy his spiritual needs. People were heard to complain that politics on the whole were a low and dirty game into which they did not wish to enter. Mere outward observance of the laws of the State did not demand a high degree of morality. A law-abiding citizen was not necessarily a moral man, and a law-making citizen was frequently an immoral man. No man would think of submitting his intimate personal relations to the handling of the law, and the feeling arose among many people that it was the business of that antithetic fiction to the "economic" man, the "spiritual" man, to have as little to do with politics as possible. "Why should I, who have a high ideal of life and personal relations, conform to law, which has a low one?" it was asked. Hence Theosophy, mysticism, spiritualism, ethical societies, and all sorts of organizations for moral purposes, which paid no heed to the boundaries of

the nation-State. The State once again might be necessary to maintain the background of the good life, to protect the defenceless moral man against the anti-social burglar, and as such would always survive ; but once again it ceased to be of primary importance as compared with the spiritual and æsthetic activities which occupied the foreground of the individual's mind.

Hence, although before the war the State was increasing its functions on every side, it was gradually being squeezed out of the life of the individual, and being replaced by associations that made for internationalism. Members of different States had all kinds of relations with one another. Communication and travel facilities increased ; the world was all one market ; and inter-State barriers seemed everywhere to be breaking down. At the same time a general reaction against the Divine State of Hegel and the Collectivism of the Fabians was apparent. It expressed itself in Syndicalism, in Bergsonism, in Pragmatism, and in Guild Socialism ; even, on an extreme estimate, in the modern attitude to music and painting. The claims of the State upon the individual were everywhere questioned. It might be observed with justice that the State is the only one of the numerous associations to which the individual belongs to which he does not voluntarily belong. The individual joins economic and ethical associations by choice. He belongs to them because they satisfy a need of his nature or a want of his pocket. Only to the State does he belong because he happened to be born in a certain bedroom, a phenomenon over which he had no control. Hence when the claims of the State conflict nowadays, as they do sometimes, with those of rival associations, it is not a foregone conclusion that they will be regarded as paramount. This is true even in war-time, as is evidenced by the attitude of conscientious objectors. The conscientious objector says in effect, " I recognize

that I am a member of a political association called the State, and that this association has important claims upon me. At the same time I am a member of another and larger association, viz. the human race. This association also has claims upon me, the claims of kindness and humanity. In certain circumstances the claims of the State and the claims of humanity may conflict: such an occasion has arisen at the present time, and I am bound to consider to which authority I owe the greater allegiance. It is not a foregone conclusion that I should, in all circumstances, obey the claims of the State, and I must retain the right to decide according to my individual conscience." Where the conscientious objector is also a member of a definite non-political organization whose tenets happen to forbid the use of violence, such as the Church of Christ, and has chosen to belong to such an organization voluntarily and not merely as an accident of birth, the conflict of claims may become even more marked. The phenomenon of the conscientious objector is, in fact, an inevitable result of the growing tendency to question the paramountcy of the State—a tendency arising from the increasing number and importance of voluntary associations of individuals of different States for non-political ends.

2. The traditional political philosophy disregards entirely both the existence of other States and the increasing complexity of the relations of the State with them. It overlooks the fact that the normal relations of one State with another are relations, not of hostility, but of friendly intercourse; that different methods of intercommunication and inter-State arrangements are growing up, mainly of an economic nature, to which the traditional political structure of the States involved has not adapted itself. The working of international postal, telegraph, and monetary systems, quarantine regulations, standardization of weights and measures, formal arrange-



ments for the repatriation of aliens, all point to the beginnings of international *rapprochements* based on convenience, which have as yet found no political expression. But although, as a rule, new movements and tendencies only find political expression at a considerable period after they have attained concrete form, and although the outward forms of State constitutions remain apparently unaffected by inter-State relationships, it would be futile to contend that the nature of modern States has not been profoundly modified by the intercourse between their own citizens and those of different States. Some of these modifications are of a distinctly moral character. The fact that no State acting alone can control disease has long been recognized, and the obligations of the State towards the citizens of other States in this matter are admitted. Isolation breeds incompetence always, and sometimes decadence. States are actually brought to an official recognition of the existence of scientific and literary ideas of value among non-citizens. The administrative provisions of the Nobel prize and the award of the prize itself form a striking example of this. We may, in fact, as a result of this section assert two distinct propositions. First, that the traditional political philosophy which is the basis and in part the cause of the amorality of inter-State relations on the diplomatic plane is wrong in principle and untrue in fact. Secondly, that the growth of voluntary inter-State associations, and of intercourse between the citizens of different States, provides considerable ground for the belief that the conclusions of Mr. Allison Phillip and Sir Frederick Pollock quoted above—conclusions based on the failure of international leagues in the past, and foreshadowing equal failure in the future, failure due to something inherent in the nature of the State—may perhaps be falsified by the possibility of an amicable settlement on internationalist lines after the war. We must now examine rather



more in detail the internationalist schemes more recently put forward, with a view to ascertaining whether they provide support and justification for this belief.

### III

Several detailed schemes for an International League to preserve peace have been put forward during the war. It has been realized that the creation of some method of avoiding a repetition of the present war is perhaps the most important problem that awaits the solution of mankind, and the attention of some of the ablest minds both in this country and in the other belligerent countries has been directed to the question. The Council for the Study of International Relations makes the project for a League of Peace one of its primary objects of study. Mr. Brailsford, Mr. Bertrand Russell, Mr. J. A. Hobson, Mr. Lowes Dickinson, to mention only a few of many names, have dealt at length with the problem. The work of each of these men contains many valuable suggestions. Mr. Hobson, in particular, has produced a detailed plan for international government with which, as regards the eminent desirability of its proposals, it is very difficult to find fault. The exact form of international government which may be adopted is not, I think, of the greatest importance. So many schemes can be suggested, each of which constitutes a vast improvement upon the present method of settling international disputes, that the question of how the nations can be brought to agree to set up international machinery at all is really of more importance than that of the precise kind of international machinery which should be set up. It will be well, however, to give a brief sketch of one of the typical plans proposed. Mr. J. A. Hobson's scheme, from its lucidity and essential reasonableness, is admirably suited for this purpose.

The signatory Powers to the treaty which ends the present war, with the co-operation of leading neutrals, including of course America, would set up : (1) a joint standing Committee of Investigation to sit permanently and to include representatives of all the Powers. This Committee would have the power of inquiry into disputes of all kinds that might arise between the signatory Powers; it would also be empowered to take the initiative in commanding the signatory Powers to submit their disputes, the latter binding themselves to comply. This Committee would divide the disputes submitted to it into roughly two classes : those suitable for arbitration, and those suitable for conciliation. They would, at their discretion, refer the matters submitted to (2) a Court of Arbitration or (3) a Council of Conciliation. These Courts would also be permanent, and include representatives of all the signatory Powers. Disputes suitable for adjudication by the Court of Arbitration would be in the main questions of fact or questions of International Law. "Whether a vessel was destroyed by a mine, whether a Government authorized a punitive expedition across a distant frontier" are questions suggested by Mr. Hobson of the type which would come before this Court. Many disputes which had originally been considered by the Council of Conciliation would later be referred by the Council to this Court in a form suitable for arbitration. The Court of Conciliation would, in fact, on occasion prepare a report upon the circumstances attending a dispute, thus transforming a case by preliminary investigation into a question of fact or law suitable for arbitral award. The *personnel* of such a Court would be recruited from among men of legal eminence, conversant with International Law. Disputes referred to the Council of Conciliation would be of a somewhat different type. Questions not immediately reducible to matters of law and fact, questions involving the interest and honour of different

Powers, questions of high policy with which the art of diplomacy as recognized at present is pre-eminently concerned—just those questions, in fact, which from their inflammable nature have so frequently constituted the causes, avowed or disguised, of war would come before the Council of Conciliation. “Germany’s claim for colonial expansion, or the political feelings and aspirations contained in Pan-Slavism” are cited by Mr. Hobson in this connection. The vexed problems of the “Open Door” and the exploitation of undeveloped territories are also obvious cases of this kind.

Other matters of international convenience, not necessarily involving disputes, such as the standardization of weights and measures, epidemics and other hygienic questions would also be the subject of inquiry by the Council or by expert sub-committees appointed by the Council. As the work of the Council would be mainly that of persuasion and conciliation, its *personnel* would be different from that of the Court of Arbitration. It is important that the members of the Council should be men of acknowledged ability, discretion, and integrity in order that they may, as far as possible, command the confidence of the nations other than those whom they represent. It is further recommended that they shall be celebrated men, well known not only to their own countrymen but to the world at large, in order that their personal influence may give weight to the decisions at which they may arrive. This being in very brief outline the machinery proposed, it is regarded as essential (1) that the findings of the Court or Council should have the sanction of awards—that is, that the signatory Powers should agree to act in accordance with them; (2) that an armed force should be available to enforce these awards upon possibly recalcitrant members.

Now, it may be objected that, efficient and reasonable as the above measures may appear to be as a

paper scheme, they are but a paper scheme and can never be anything more than that, and that numerous other paper schemes could be devised which, given the requisite will among the various nations, would work equally well.

A hundred objections present themselves. *How* are the awards of Court and Council to be enforced? it may be asked, a question which raises the controversy over the extent to which force should be used to suppress force. How are you to remove the causes of friction between nations? How are you to change the traditions of national aspirations so as to expel the antagonisms of interest and motives of jealousy which have been the chief cause of war in the past? How, finally, are you to deal with psychological phenomena, such as the nationalistic spirit—which Mr. Russell calls the “impulse to war,” and Mr. Shaw the “inherent animal pugnacity”—that is in each of us? And how, if you are to abolish the use of force, are you to enforce your abolition?

Let us deal, as far as possible, with these difficulties separately, admitting that they overlap and that the answer to one may well include or suggest the answer to another.

1. The question of the method by which signatory Powers may be brought to abide by the awards of the International Courts raises kindred difficulties as to their constitution. Mr. Hobson insists that all the signatory Powers must be represented, and that the Court must be in permanent session. Is each signatory Power to have one or more representatives on each Court, the representation being in all cases equal? In such an event we may look for the gravest objections from the Great Powers. It appears unjust on the face of it that Montenegro should have equal voting power with Germany on a question which affects primarily the welfare of the latter. At any rate, we may expect Germany strongly to object. If, on the

other hand, representation is to be proportionate to size and power, the practical domination of a few Great Powers, with the splitting up of the League into rival groups of Powers, and the smaller nations giving adherence to one or other of these groups, might be reasonably expected, and the old struggle for the "Balance of Power" which has been the cause in part of most of the great wars of the past would simply be reconstituted in a different form. When, in fact, the representatives of the U.S.A. suggested at the Hague Conference in 1907 the establishment of a permanent arbitral Court, instead of the intermittent sittings of a partially representative Court at The Hague, the demand of the smaller Powers for equality of representation was found to be an insurmountable obstacle to the proposal. Furthermore, putting aside the detailed problems attending the establishment and employment of an international force, it is clear that the proposal to coerce recalcitrant signatory Powers might place the greatest strain upon the good faith of other members. Consider the case of two nations united by every tie of kinship and alliance in the past and friendly intercourse in the present, such as Great Britain and America. America, let us suppose, believing herself to be unjustly treated by an award of the International Court or Council, refuses to accept it, and is prepared to take up arms in defence of her action. The League decides upon the use of the International Force to coerce America, and desires Great Britain to consent to the use of her quota for the purpose. Great Britain is now involved in a war with a country against whom she has no quarrel, in a matter which may not concern her own interests in the slightest, and against a people with whom her own citizens have the friendliest relations. Would Great Britain consent to the use of her armed force for such a purpose? It seems doubtful. Is it, in fact, to be expected that any nation in the present state of

national relations will accept an unfavourable award of the Court or Council in any matter affecting what is called its "honour and vital interest"? Will it not rush to defend them by the orthodox method of battle in the field, instead of trusting to an impartial award of an International Court where it will be deprived of the time-honoured privilege of being a judge in its own cause?

To this and other similar questions it can only be replied that the machinery suggested above will be useless without a radical change of spirit in international affairs. Unless the real goodwill and desire for peace of the signatory Powers be assumed to begin with, Mr. Hobson's machinery will break down at numberless points. Mr. Hobson himself recognizes this fact in the main, and it is significant that on almost every occasion when a real difficulty in the working of his scheme occurs he refers for its solution to the establishment of new standards of conduct, and the operation of new moral principles in international affairs. Thus we find him saying that the proceedings of the International Court or Council can only become thoroughly impartial, and their representatives freed from the suspicion of interested motives, if the international procedure throughout is "informed by the wider international spirit." The general treaty to submit differences to arbitration, signed by representatives of all important Powers, which is rightly considered indispensable, can only become practicable if "a new spirit prevails amongst those who are sent to represent the nations at the settlement of this war." We are told "that all the motives which have hitherto drawn nations into particular offensive or defensive alliances and groups must be changed or at any rate weakened" before Powers could be induced to join in a Confederation for bringing a recalcitrant allied Power to order. At other times, however, Mr. Hobson speaks as if the operation of administering international



machinery would itself in time tend to create the impartial international spirit in the administrators. Writing of the *personnel* of Court and Council, he says, "For the suspicious and self-regarding nationalisms which express themselves at first in the selection of reliable nationalists rather than of completely impartial men . . . will gradually disappear when it is realized that the forms of procedure as well as the spirit are framed so as to educate the international mind." This is all very well provided that the nationalist characteristics of the early representatives do not ruin the machinery before the proper spirit has had time to be generated. It is in the early days of internationalism that the strain upon the representatives, nourished in the traditions of national ambition, will be greatest. It is clear, however, that we cannot expect the required international spirit to be automatically generated, as a kind of Divine revelation, after the war. Yet it is to the settlement after the war that we must look, as Mr. Brailsford insists, for the basis of any future internationalism that can take shape during the next hundred years. The machinery, in fact, must not be allowed to wait for the appropriate spirit. Yet the machinery can never be effective without it. The solution, I think, lies in a simultaneous growth of the two. We must recognize that the old obstructive antithesis between change of heart and change of machinery—an antithesis so much insisted upon by rigid dichotomists in the past—is delusive. Every modification of motive has its inevitable counterpart in improvement of national and international structure. Every practical proposal which rests on the assumption that men do ultimately and essentially want freedom and justice helps to encourage freedom and justice in individuals. The heart and the machine change concomitantly and reciprocally. Both changes are essential parts of progress.

We will, however, return to the question of the

spirit of internationalism and the necessity for the use of international force to prevent war when we come to consider what I have called the psychology of nationalism and the impulse to war.

2. Of all the multitudinous causes that have been cited by various writers as operating to produce war, the friction and jealousies arising from the clash of commercial and financial interests have been perhaps the most emphasized. The antagonisms produced by the rival attempts of Powers to exploit undeveloped territories, restrictive tariffs, and embargoes on free shipping, the influence of armament interests, and the question of the "Open Door" have all played their part. It is easy enough to overestimate the importance of the economic motive. But it is hard indeed to exaggerate the extent to which the desires of small groups of people to get rich quickly, without paying undue consideration to the means employed, have helped to cause war. It would be difficult, again, to exaggerate the increasing extent to which diplomacy has become the tool of financial interests in recent years. Books like Mr. Brailsford's *War of Steel and Gold*, and *A League of Nations*, and Mr. Newbolt's *How Europe Armed for War* are packed with conclusive evidence as to the control exercised by financial interests. Under this influence the Great Powers have plotted increasingly to gain concessions and to make acquisitions which would further the commercial ambitions of their respective magnates. The Reform Club of New York recently presented to President Wilson a memorandum showing to what extent each of the belligerent Powers is actuated by commercial and economic aims: "Serbia wants a window on the sea, and is shut out by Austrian influence. Austria wants an outlet in the East. Russia wants ice-free ports on the Baltic and Pacific, Constantinople, and a free outlet from the Black Sea into the Mediterranean. England, France, Germany,

Belgium must receive uninterrupted supplies of food and raw materials. Austria demands the 'Open Door' in the East, and so on."

That these are not merely the views of interested observers who find themselves embittered against the foreign policy of their own countries from the manifest harm that results to the nations concerned, is evidenced by the following quotation from a letter by a Chinese official on Western civilization written in 1905: "Commercial intercourse between nations, it was supposed some fifty years ago, would inaugurate an era of peace. . . . But never was any belief more plainly contradicted by the facts. The competition for markets bids fair to be a more fruitful source of war than was ever in the past the ambition of princes or the bigotry of priests. The people of Europe fling themselves, like hungry beasts of prey, on every yet unexploited quarter of this globe. Hitherto they have confined their acts of spoliation to those whom they considered outside their own pale. But always, while they divide the spoil, they watch each other with a jealous eye, and sooner or later, when there is nothing left to divide, they will fall upon each other. This is the real meaning of your armaments: you must devour or be devoured. And it is precisely those trade relations, which it was thought could knit you in the bonds of peace, which, by making every one of you cut-throat rivals of the others, have brought you within reasonable distance of a general war of extermination." What, then, has happened to the internationalism of men like Cobden and Angell, who looked to the increase of international commercial intercourse to break down the barriers and not to increase the friction between nations? Here it is important to draw a distinction. The desire for commercial privilege is by no means the same as the desire for freedom from commercial restraint. "Commercial privilege, whether expressed in tariffs or bounties, in concessions or monopolies,

or in 'close' colonies or protectorates and 'spheres of influence' is in no sense a national interest," says Mr. Hobson.

It must, then, be one of the first objects of any League of Peace to abolish Protectionist tariffs, the struggle for overseas markets, and the struggle for preferential control in the development of uncivilized lands, in so far as it receives the sanction and backing of Governments. The League of Peace must further place under the control of the Signatory States the whole of the production of munitions of war. It should be regarded as an offence against the League to manufacture munitions of war, except with the consent of an International Executive Council. The shipping of the world should be free and the policy of the "Open Door" universally recognized. And of course there must be no economic war of tariffs after the cessation of the present struggle. To this point, however, we will return later.

To deal with these matters we shall have to add to the judicial Court and Council already described an International Executive, with a trained International Civil Service. An International League will require high administrative powers from its officials, and complicated questions of tariffs, shipping rights, and trade disputes will have to be dealt with, in the first instance, by them. Only in cases where they cannot be settled in the ordinary course of administrative work and are likely to develop into serious national disputes will they come before the Council of Conciliation for inquiry.

With reference to the vexed question of "spheres of influence" in undeveloped countries, for instance, such an executive might arrange for certain specified nations, having regard to their special political and economic interests resulting from geographical proximity, questions of food supply, and other causes, to have a special right of intervention or even of political control, without prejudice to the "Open

Door " for the capital and trade of other nations. Such arrangements would be of a complicated and delicate character, and liable to review with changing circumstances. In this connection it is important to guard against a static conception of an International League. The League must be a developing League, capable of modifications adjusted to the development of its members with a Civil Service capable of dealing with continually changing exigencies: the only static principle must be the permanent desire to avoid an armed conflict. This point is emphasized by Mr. Bertrand Russell in his book *The Principles of Social Reconstruction*. "It is the insistence by legalists and friends of peace," he says, "upon the maintenance of the *status quo* that has driven Germany into militarism." There has been no administrative International Council to make the necessary arrangements to reconcile Germany's growing population with the prior possession by England of practically all the desirable colonies on the earth's surface, combined with her inability to give them an adequate population. While Germany was overflowing, the white population of Australia had remained stationary for years. It is no wonder, therefore, that the British insistence upon the maintenance of the *status quo*, under the guise of a comfortable desire for peace, caused Germany to break the tenth commandment. In a world where nations grow and decay, where forces change and populations become cramped, an "International Executive Council" to adjust international relationships appears to be essential if armed conflicts are to be avoided. Such a Council, with trained Civil Servants to administer its decisions, would take the place of all that is meant by diplomacy to-day.

So much has been said during the war by men like Mr. Morel, Mr. Ponsonby, and Mr. Trevelyan on the part played by secret diplomacy in promoting



hostile feeling that I need not enlarge on it here. The class from which diplomats are recruited, the traditions and *personnel* of the men themselves, the secrecy of their methods, their freedom from popular control, the polite vagueness of their language, their *penchant* for intrigue, for secret treaties and panicky telegrams, and, above all, the extent to which they allow their foreign policy to be moulded according to the interests of merchants anxious to sell rubber, and of munition-makers anxious to sell guns, have all been subjected to the most searching criticism. It is, I think, essential that the methods of foreign diplomacy should be superseded. There seems to be a general agreement to the effect that foreign policy must be conducted openly, and that, making allowance for the fact that all administration must, to be effective, be to some extent free from direct popular control, international administrators must be men elected by their various countries, who work in the open, whose methods are above board, and who are liable to be called to account for the course they may have adopted. The centralization of the production of munitions in the hands of one authority appointed by the various signatory Powers, recommended above, will also remove one of the causes of jealousy and antagonism. "So long as we have the equipments of war, whatever the justification we may plead for them, we shall have war," says Mr. Ramsay Macdonald. This statement may, with reservations connected with the use of international force to be mentioned later on, be accepted for truth. The power and wealth of armament firms, and the proved influence which they have exercised over the Press and even over the Governments of Western Europe—an influence directed always towards the fostering of hostile feelings and the irresponsible pursuit of so-called national ambitions—have been disastrous. The cosmopolitan nature of their Boards of Directors (see



lists at Somerset House and the writings of Mr. Newbold) cannot but convict them of aims in which a cynical desire to amass wealth can be the only guiding principle, and divests their actions even of that possible justification with which an inflamed and short-sighted patriotism might have endowed them. Private armament firms, then, must go. As Mr. Wells has pointed out, their abolition is an easier matter than might appear. The production of munitions is a highly specialized affair, and centralized almost entirely in the hands of a very few international firms. These could be bought out, or, if they refused, coerced by Government action with or without compensation.

Equally important with the abolition of commercial privilege is the freedom from commercial restraint. On the purely economic plane, the nations are all members one of another, and once commercial privilege and the striving after it are things of the past, we may expect that identity of commercial interests will go far to break down national barriers. If for the moment we discount the nationalist sentiment, and the harm that has been done on the economic plane by the ambitions of nations to obtain preferences for their own commercial groups, all the considerations advanced by Mr. Angell with respect to the international solidarity of nations and the consequent advantages of internationalism become true. Hence there is a sense in which each national group should be allowed to choose its own economic policy, with the least possible interference and control from the International Government. The *laissez-faire* theory of the Manchester school broke down as regards individuals because, in postulating that, as each individual was fundamentally selfish, each could be trusted to look after his own interests, it further assumed, first, that each individual was equally foresighted and had an equal power of knowing what he wanted, and, second, that each individual

had an equal power of obtaining it and equal freedom of choice. In point of fact, it was found that one man's economic gain was another's economic loss, and the State had to intervene with Factory Acts and similar legislation to prevent the exploitation of the many by the few. The position as regards nations is somewhat different. "The prosperity and success of the people of one country is a positive advantage to that of every other country, while the loss or poverty of the people of one country causes loss and poverty to that of every other." (Fabian Society, *International Government*.) In these circumstances, we may, with the reservations mentioned above as to the freedom from restrictive tariffs and the abolition of the attempts to secure commercial preference, trust that on the economic plane internationalism will, as it were, develop automatically, and that little specific legislation will be needed to promote it. "We suggest," the Report of the Fabian Executive continues, "that it would make for instability in the Treaty of Peace if it did not leave each country entirely free in this matter for its people to choose whatever course they think fit."

Here we must leave the economic side of the matter. The whole of the growth of commercial intercourse between nations lends, as we have seen in the earlier part of this essay, considerable support to the view that modern conditions are more favourable to amicable international intercourse than any which have previously existed. It must be remembered, however, that the power of the economic boycott, if used by the international League against a recalcitrant member, would be so effective in most cases as to render the appeal to international force unnecessary. This vexed question, viz. the extent to which international force may be used to enforce peace, must now be considered.

3. No plan for an International Government can afford to disregard the psychology of nationalism.

The origin of the nationalist spirit is as trivial as its effect is important. It is based on a territorial accident. The country to which you owe allegiance depends almost entirely on the bedroom in which you happen to be born. Having grown up in the same country, you say, "Because I happen to belong to a country 'A' therefore 'A' is deserving of moral support in whatever causes 'A' may engage, and should 'A' enter into a dispute with 'B,' 'A' is bound to be in the right as against 'B.'"

Inasmuch as you would hold precisely the same views with regard to 'B,' had you happened to be born in one of 'B's' bedrooms, your position is tantamount to asserting that whatever country you happen to belong to is thereby assured of being in the right. This is simply conceit.

The origin of a thing is, however, no explanation or invalidation of its present state. The fact that the savage can only count on the fingers of one hand does not invalidate the multiplication table; and the fact that patriotism is based on bedrooms and unconscious conceit does not alter the fact that it becomes in effect a very real and sometimes a very valuable possession. "Patriotism," says Mr. Russell, who certainly cannot be considered an upholder of nationalism, "contains an element at once noble and open to attack, an element of worship, of willing sacrifice, of joyful merging of the individual life in the life of the nation." This is an important element in the life of the individual, arising, may be, out of the herd instinct, but intellectualized into something nobler. It is a necessary thing, and, on the whole, a good thing, that we should prefer our own compatriots to the citizens of other countries, and should be ready to make sacrifices for them, just as it is a good thing that the individual should be ready to make sacrifices for the members of his own family. But once we admit the principle that it is a valuable thing for the individual to recognize a good other

than his own good, viz. the good of the community to which he belongs, there is no valid reason for stopping short of the whole human race. The love of one's country should be a sentiment different only in the degree of its warmth from the desire for the good of other countries. But love of one's country has come too often to mean "love of country, other people's preferred," involving the desire to aggrandize the interests of the group to which one belongs at the expense of other groups. Patriotism is, in the best sense, we believe, a sentiment which cannot be eradicated, and which we should not try to eradicate. The patriotism which rejoices at the misfortunes of other groups, alleged to be the enemies of one's own, is no more ineradicable than it is undesirable: internationalism will recognize and utilize the former sentiment, inasmuch as internationalism means the amicable intercourse between distinct and separate nations, and patriotism is the core of the nation's being; but it can have no use for the latter.

Ever since Gladstone, the foreign policy of the countries of Western Europe has become almost entirely an expression of the aggressive patriotism which aims at the aggrandizement of its own group, or rather of the particular combination of groups which form its *entente* or alliance, at the expense of others. The peculiar atmosphere of foreign politics is symbolic of the ends for which they are conducted. The home politics of the United Kingdom are far from ideal. It may be urged that Parliament does not represent the people, that party funds are the mainspring of most political action, and that the measures framed, instead of being willed by any definite body of thought, represent simply the mechanical resultant pull of divergent political groups. At the same time, the professions of statesmen on home politics usually betoken a desire to ameliorate the condition of some section

of the community, or of the community as a whole, nor are these professions always hypocritical. Behind the opportunisms of the party game, there is a permanent recognition of the fact that it is the general business of the statesman to promote the good life amongst the citizens of the State, and the general atmosphere is one of spasmodically benevolent legislation. Turn from the speeches and professions of statesmen on home affairs to their pronouncements on foreign policy. We seem to have passed from the contemplation of the disinterested activities of genial, if muddle-headed, old gentlemen to that of the brutal practices of brigands. Each nation is anxious to score off its neighbours, and each is ready with a threat of arms the moment one of its supposed privileges or possessions is menaced. That spirit must go. Morality is recognized as the guiding profession, if not the practice, of statesmen when dealing with individuals. It must be equally recognized as their guiding principle when dealing with States.

In this connection, the importance of the settlement made at the termination of the present war is incalculable. If we gain a decisive military victory, there is every reason to suppose that we shall use it as a means of obtaining commercial, territorial, and financial advantages at the expense of the beaten enemy. Such a course would be disastrous for the project of establishing a League of Peace of the kind contemplated; for no League would be effective that did not include the Central Powers, and the inclusion of the Central Powers, smarting under a sense of injury and animated by a spirit of vigilant revengefulness, would preclude the relations of the League from being amicable and its judgments from being impartial. Such a course would involve the acceptance by the victors of the principle of "hitting a man when he is down," and punishing him by virtue of superior might in order

to instil into him a conception of superior right, instead of dealing in the spirit which refrains, as far as possible, from using superior force as a means of reaping material advantages. This is a war on our side to end militarism. Yet if one definition more exact than another can be given of militarism, it may be regarded as the belief that spiritual gains may be achieved at the point of the bayonet. A considerable body of opinion in this country supports the view of *The Times* that "militarism cannot be exorcised except by defeat in the 'field.'" This is tantamount to an assertion that a victory of might is equivalent to a victory of right, and that the mere process of beating Germany's armies will have the automatic effect of reforming her spirit. This attitude is the very antithesis of Mr. Asquith's conception of the Idea of Public Right "as the repudiation of militarism as the governing factor in the relations of States." This attitude, with its sequel of ruthless tariff wars and economic boycotts, and its typical expression in the assertion of trade unionists that they will refuse to sit at an International Conference where German representatives are present, means that we have become more anxious to avenge ourselves and humiliate Germany than to arrive at a settlement which will preclude the possibility of future wars. The war to end war will have become transformed into a war to punish Germany.

In this connection the significance of President Wilson's phrase "Peace without victory" becomes apparent. A drawn battle is on the whole, under modern conditions, a far better security for future peace than a crushing victory for either side. Supposing the war to end as a draw, the opponent of war will be able to say to the militarist, "We always knew that war was a cruel, a stupid, and a wasteful method of settling disputes, and that to assert that the only sound method of settling quarrels is to kill



off as many of the opposing side as you possibly can argues an intellectual bankruptcy; but you countered us by saying that war did, at least, effectually settle them. Now, however, we reply that your last argument in favour of war has vanished, inasmuch as under modern conditions great Powers have struggled together for several years without arriving at anything approximating a decision. Why, then, have recourse to war?" Add to this that a drawn battle would result in something like a peace agreed upon by the common consent of equals, instead of a peace dictated by a victor upon an unwilling and resentful enemy, and it is not difficult to decide which solution will best promote Mr. Asquith's ideal of the adoption of the principle of morality as a guiding factor in international relations.

Mr. Brailsford, in his book, *A League of Nations*, drives this point home with irresistible force. "It is idle," he argues, "to settle international relations at the end of this war on one basis, and yet retain a pious hope that you will be able afterwards to resettle them on another basis." It is unreasonable to re-draw the map of Europe on the lines suggested by a one-sided and victorious peace, and to expect such a settlement to make for permanence and security. Such a settlement would, for instance, be bound to disregard the aspirations of small nations, and of small, strongly nationalist minorities in large nations. "Peace in Europe," says Mr. Brailsford, "cannot be achieved merely by a settlement of the national problems: the various 'Ulsters' stand in the way." The mixed races of Bohemia, Poland, and Roumania, for instance, comprising, as they do, Teutons and Slavs, Czechs and Roumanians, constitute a problem which can only be settled by an impartial International Council, able to decide between conflicting claims, weigh the importance of divergent aspirations, and adjudicate impartially according to the principles of justice and morality

instead of aiming at the advancement of one set of groups at the expense of others. A reasonable and agreed settlement of the present war is therefore an indispensable preliminary to the formation of a League of Peace.

Some method of enforcing its decisions is, we believe, an indispensable condition of its maintenance. This remains true even if the requisite change of spirit mentioned above takes place among the belligerent nations as a result of their weariness of the horror and cruelty of war. Even if every nation entered the League in good faith, and seriously wished to abide even by unfavourable decisions, there must always be the possibility of armed force in the background. Many supporters of internationalism are apprehensive at such a project. If they lack the right spirit, no international force will keep the nations from one another's throats: if they have it, the force will be unnecessary—so runs the argument. "Peace is not a set of circumstances," says Mr. Ponsonby, "or the adjustment of material relations. If it were, it might be possible to enforce it. It is a condition of mind. And nothing will persuade me that you can make a man think otherwise than he does by the use of physical force." Mr. Russell thinks that even if a League backed by force succeeded in preventing war, he would still feel that there was something involved in the very spirit and essence of it opposed to the sort of world which he would wish to see exist. "Why," we might ask, "any more so than in a world in which the police force exists?" Mr. Russell might reply that such a world does fall short of his ideal. Yet the police force would be necessary even if it was never used.

It is important, I think, to remember that the existence of socialized force in the background to enforce, if necessary, the maintenance of certain conditions which society has regarded as valuable,

has nothing to do with the actual dispositions—amiable or hostile, good-willed or ill-willed—of the individuals concerned. The reason for this is contained in the answer to Hobbes' proof that all men are selfish and amoral. "Why is it," says Hobbes in the *Leviathan*, "that we all shut our house doors and lock up our safes at night, unless it is that we distrust our fellow-men, and know them to have designs upon our goods, which we endeavour to frustrate?" The answer is that we do not shut our doors and lock our safes against our fellow-men as a whole, but against a few anti-social unrepresentative individuals, who form a minority in every society, but against whom every society must take precautions. The justification for the existence of the police force is the same. The police force exists, not because every man is anxious to do "injustice," to use the language of the *Republic*, but because every society has its quota of unjust men, from whom the just must be protected in order that they may go on with their business of being just. This is the sense in which, as Professor Nettleship pointed out, every society is based ultimately on force, not because the majority of the men obey the laws and ordinances of society unwillingly and therefore have to be compelled to do so, but because the activities of a few anti-social individuals would speedily break up society unless they were prevented by the socialized force of the community. Force, therefore, is the indispensable condition of society's being what it is. As we saw above, the State, though not concerned primarily with the good life, is concerned with the maintenance of the conditions under which the good life alone is possible. It is the business of the State to demand a minimum of social conduct from all its citizens—a minimum which, without the existence of armed force in the background, would not be observed by a small minority of citizens. If this minimum were not observed by all, it would

be impossible for the many to pursue those higher ideals of the good life which are essentially a matter for individual choice. The philosopher, in fact, could not philosophize or the philanthropist philanthropize unless they were guaranteed security from the homicide and the burglar. In this sense a provision of force is essential to the peace of all civilized communities. In a similar sense it is, I believe, an indispensable condition of a League of Peace. It is indispensable, not because no reliance could be placed on any member to abide by awards without it, but because one single recalcitrant member—and there would always be the unrepresentative anarchical one—would render the whole scheme impracticable. Such a force, levied according to an agreed assessment upon each of the signatory Powers, would, it may be hoped, be but rarely employed. Its existence would in most cases be sufficient, especially if steps could be taken to ensure that no nation possessed an armed force other than that composing its contribution to the League. Mr. Russell himself expresses agreement with this view when discussing the use of force in the State: "Probably some repository of force in the background will remain necessary, but the actual employment of force may become very rare, and the degree of force required very small." (*Principles of Social Reconstruction*.)

If this point be granted, we must hasten to add that although the provision of force may be essential to the League, the nations can no more be brought to establish International Government through fear of force alone than a man's happiness can be said to depend on his dinner, simply because he cannot be happy if he is starving. It is true that civilized society is grounded ultimately upon the existence of the police force, but it is equally true that the existence of the police force is based upon the recognition of the idea of public morality, and the necessity

of its enforcement by society. Socialized force in the State rests upon an implicit contract: the willing contract of individuals to abstain from the privilege of doing injustice to their neighbours, on condition that they are secured from suffering injustice from them. It will be remembered that the *Republic* starts with a comparison of the rival merits of justice and injustice. Thrasymachus the Sophist begins the argument with a panegyric of injustice—injustice, that is, which is successful on a large scale, and obtains for its author all the material goods of life, and the reputation of justice as well. The modern capitalist is not obscurely foreshadowed. Glaucon and Adeimantus elaborate the argument, pointing out that even the gods can be squared, and that the payment of conscience money by the successful unjust man will secure as much happiness for him in the world to come as he has obtained in his present life. The just man, on the other hand, is stripped of all the rewards of justice, and it is further assumed that he is regarded as unjust amongst his fellows. Socrates is then challenged to prove the essential superiority of justice over injustice, both being stripped of appearances and regarded for themselves alone. Socrates replies by constructing his ideal State, in which justice is the guiding principle both of the rulers and of the ruled. In the last resort, however, we arrive at the implied conclusion that the superiority of the one over the other cannot be demonstrated by reason alone. The choice between the city of justice and that of injustice is in the last resort, a matter of feeling. Socrates says in effect: "In answer to your challenge, I have idealized justice and constructed for you a city in which its working may be observed pure and unalloyed. Do you not feel the life of this city to be better than the ideally unjust life pictured by Thrasymachus? If you do not, I have nothing to say, except that you are devoid of the moral faculty,

and to that extent not wholly a man." It is, in fact, to the moral instinct alone that we can look both for the establishment of the principle of morality in the State and in the relations between States. But it is just because all men possess the moral instinct in some form or other that we are justified in hoping that international politics will be brought within the realm of public right. "I do not believe," said Tom Paine, "that monarchy and aristocracy will continue seven years in any enlightened country of Europe: if better reasons can be shown for them than against them, they will stand; if not, not." The same may be said of the project of International Government. To the many thinkers who regard the situation as hopeless, and infer from the fact that foreign politics have always been inspired by the doctrines of Thrasymachus that they always will be so inspired, we can point to the triumph of the moral instinct in the established law of the State, and plead ignorance of any fundamental reason why its influence should not be extended to the laws between States.

Kant has proved for us that immoral action if universalized is always contradictory. If the practice of telling lies were universal, no one would believe any one else, and there would be no point in telling a lie. Lying, like all immoral action, is parasitical. The amoral opportunism of foreign politics has similarly contradicted itself. Each nation has played for its own hand, has played to win advantages from its neighbours, and the present war, from which no single nation can reap advantages commensurate with its losses, is the outcome. The idea of public right, the existence of which is not denied, can only attain concrete expression in the establishment of a concerted League of Nations to prevent war. And it is on the moral instinct of individuals, and on this alone, that the establishment of such a League must be based.



THE FOLLOWING ESSAY BY  
MISS A. BEATRICE WALLIS CHAPMAN  
("DREAMER")  
WAS AWARDED ONE OF THE THREE  
10 GUINEA PRIZES IN DIVISION I



## By "DREAMER"

PUBLIC RIGHT may be defined as the prevalence of the habit of settling questions which may arise between communities, as distinguished from individuals, by an appeal to recognized rules and principles, not by force.

Hence all war is an infraction of Public Right, and the question of the prevalence of Public Right is largely a question of the prevention of war. How to extend and preserve the Public Right is, therefore, the main problem at present confronting civilized nations.

In considering this problem, numerous questions suggest themselves. Among what communities ought Public Right to prevail? Has the habit of appealing to Public Right made any progress in the past, and to what is that progress due? If progress has been made in the past, is it likely that it will be continued along the same lines in the future? What methods of accelerating such progress are proposed, and what are their advantages or disadvantages?

The first question at once raises one of the most difficult problems connected with the establishment of Public Right. The obvious answer is that the communities to which the principle of Public Right would apply are those possessing a sovereign government. But the question immediately arises about those communities, such as Poland, which do not possess a sovereign government, but desire to do so; a very important question, as these subject States have been the source of a large proportion

of the wars during the nineteenth century. Secondly, what about those communities, such as the self-governing colonies, which, without either having, or presumably desiring, a sovereign government, are deeply concerned in all manner of international relationships? And finally, how would Public Right apply in cases of pure and simple rebellion—i.e. in cases in which the rebelling party does not desire any separation from the community to which it belongs, but simply wishes forcibly to change the government of that community?

Another question regards what Europeans are pleased to term "native races" (thereby apparently implying that they themselves are aliens everywhere!). How far disputes with these people—another most fruitful cause of war—could be prevented by an appeal to Public Right would, of course, largely depend on such races being subject to a government which could maintain any agreement on which it entered, and could make itself responsible for the conduct of its subjects. There seems no good reason why disputes with Khama or Cetewayo, for instance, should not have been settled according to the principle of Public Right.

Generally, however, the answers to these various questions must largely depend on whether the prevalence of Public Right is found to depend on the acceptance of general principles, or on submission to special rules. For the present, it will be sufficient to consider Public Right simply as regulating the relations between sovereign States, while premising that the case of subject communities must greatly affect the choice of means whereby to facilitate the acceptance of Public Right.

The question of the growth or otherwise of the regard for Public Right is, of course, like all questions of moral development, extremely difficult. Two rough tests would be the increase or decrease of the number of years during which war or peace

prevailed in the world; the other the number of cases in which disputes have been referred to the arbitrament of neutrals. A third test, the frequent revision and increase of International Laws, could be taken as a test of the growth of a feeling in favour of Public Right, unless it could be shown that the nations engaged in this revision do not endeavour to adjust it so as to favour their particular interests—that Great Britain, for instance, was quite unbiased in her views on the “right of search.”

As regards the first two tests, the prevalence or otherwise of war and the reference to arbitration, they must be applied with caution. In the case of wars, it must be noted whether or no certain provoking causes of war present at one period are diminished at another. Thus, during the earlier part of the nineteenth century, the struggle for colonial supremacy which had been a contributory cause of war ever since the discovery of America, had for the time being ceased with the acknowledged ascendancy of England. On the other hand, that same ascendancy brought England into continual conflict with native races in lands bordering on her own in a manner which caused her periods of peace to be few indeed.

Finally of course if the question of Public Right concerns only conflicts between sovereign communities, all rebellions would have to be omitted from consideration until a third party intervened between the belligerent Power and its rebellious subjects. Thus from this point of view, the revolt of the American colonies would not rank as war until France intervened.

Finally the number of sovereign communities actually in existence, increasing the possibility of wars avoidable by the recognition of Public Right, must also be regarded as a factor in the comparison.

Making all these allowances, however, a comparison

of the eighteenth and nineteenth century in Europe is at first sight highly encouraging to the pacifist.

In the hundred years between 1815 and 1914 wars stand out as exceptional and extraordinary incidents. The wars between sovereign communities in Europe are few or short. The Crimean War—about two and a half years—is the longest. Peace, as between sovereign European communities, is the normal state of affairs. War does not occupy one-fifth of the whole century. In the century, on the other hand, which elapsed between 1688 and 1789 the normal state of affairs is one of war. In fact, the difficulty is to find a single year when all Europe was at peace. When France was not fighting the Empire, she was fighting Spain; and when she was not fighting Spain she was fighting Prussia; while England cut in wherever the humour took her, and in the East there was a running accompaniment of war between Russia with her various Allies against the Turkish Empire.

The contrast is striking, but unhappily superficial. European nations were mainly occupied during the nineteenth century with internal troubles. Austria had her hands full with the Italian revolt; Russia found much occupation in quelling Poland; the Spanish civil wars lasted almost continuously till the accession of the present King; France had her share of internal disturbances. Germany, indeed except for the rebellions of 1848, had comparatively little to distract her; and Germany is responsible for a large proportion of such European wars as did take place, i.e. the Schleswig-Holstein affair, the Six Weeks War, the Franco-German War. But Germany's military feats in Europe occupied but little time compared to the wars that England—that most pacific country—waged outside Europe. England's wars in Africa, on the Indian frontier, and in China consumed between thirty and forty years of the nineteenth century, and France's record



in this respect nearly equals hers. Germany's colonial wars are comparatively unimportant; but Italy had hardly established her independence before she plunged into the long, horrible, costly, and futile Abyssinian War.

Clearly the nineteenth century has been only nominally a century of peace. Peace between the great nations of Europe has existed, but only as an accompaniment of continuous small wars outside Europe, and of frequent civil wars within the various States themselves.

But despite these drawbacks, a certain amount of progress has been made. The arrangements actually made by the Congress of Vienna have all disappeared as completely as those made a hundred years earlier by the Congress of Utrecht; but far more than at the Congress of Utrecht did the representatives of the Powers assembled at Vienna recognize more or less definitely the necessity of some guiding principles in their policy—principles which should be recognized by all. In short, whereas the Congress of Utrecht simply resulted in a series of bargains, the Congress of Vienna tried to frame its bargains according to certain rules assumed to be just—in other words, according to Public Right.

It is true these rules or principles were of a vague and conflicting nature; the sacredness of dynastic claims, the right of each Government to manage its internal affairs without interference, the necessity for preserving a "Balance of Power" in the European System. These principles, ignoring as they did both the sentiment of nationality and the claim for self-government then growing amid the peoples of Europe, were the source of many of the conflicts which disturbed Europe during the nineteenth century; but at least they afforded to the Powers some guide beyond that of mere self-interest, and accustomed them in some degree to common action. It is impossible to study the dispatches of foreign

ministers of England during the greater part of the nineteenth century without perceiving that, though they held themselves bound to consider English interests as paramount, yet they also believed it to be a duty to guard against infractions of the peace of Europe, and to refrain from trenching unduly on the rights of her neighbours.

Two European tendencies contributed to this recognition of Public Right: the growing belief in nationality, and the partial prevalence of the economic theories of the Manchester School.

Both beliefs prevailed most strongly in England: naturally, since England, as the most secure and most wealthy of all the Powers, had fewest temptations to short-sighted selfishness.

The spirit of nationality has of late years been too often perverted by the desire for power, and has become the excuse for that worst of tyrannies, the tyranny of one community over another; but in the early part of the nineteenth century the claim of nationality meant simply the claim to freedom from foreign domination; the claim of each community to exemption from the yoke of a Government alien from it in interests, traditions, and sentiment. Such a claim is almost necessarily antecedent to the claim for democratic government; and the recognition of the rights of nationalities was a valuable addition to the growing idea of Public Right.

The economics of the Manchester School contributed indirectly to the growth of the idea of Public Right by emphasizing the community of interests between nations. That trade is mutually beneficial, that freedom of industry on the whole works well for all concerned, are ideas which necessarily diminish hostility by diminishing jealousy. Once nations can conceive themselves as living in a state of reciprocal usefulness instead of in a condition of mutual hostility, it is comparatively easy for them to recognize

each other's claims. A realization of the existence of common interests precedes and assists the realization of the existence of common rights.

Unhappily, however, neither the belief in nationality nor the belief in economic freedom ever really dominated the policy of any European State, not even that of England. The economics of the Manchester School were opposed to the economic theory on which every community had acted for five hundred years past; while the belief in nationality was tainted by association with the old theory of the supremacy of the State—a theory reinforced by the philosophy of Hegel, which has to a large extent dominated both German and English thought. The theory of nationality, properly understood, makes for peace, since it simply implies the specific right of each nation to freedom from outside domination—a right which may belong equally to all nations, small or great, barbarous or civilized. The theory of the absolute supremacy of the State, on the other hand, carries with it no such check on hostility. On the contrary, the existence of a number of units acknowledging no rights in each other, and each possessed only by the belief in its own rightful supremacy, is bound to lead to conflict; and such a belief has been gradually ousting the belief in nationality in Europe during the last forty years.

This revival of the belief in State supremacy has been much aided by the fact that no European nation has ever applied the theory of nationality to the mass of non-Aryan communities. England, for example, paid no attention to national rights when she endeavoured to force her trade on China and her envoys upon Afghanistan. But principles so limited soon lose their force. The more close, frequent, and quiet is the communication between the different parts of the globe, the more impossible it becomes that the policy pursued in one part of

the world should not affect the course of action in another part. Sooner or later the question is sure to arise, why a principle is found applicable to Europe which is not applicable to the rest of the world. And if the reply is that Europe is thus favoured because of its greater civilization and higher organization (for which the rest of the universe, of course, have only Europe's own word), then, surely, it is open to any one European nation to say that *her* superior civilization, etc., causes principles to apply to her which she is not bound to apply to others—and to act accordingly.

Clearly any principle of Public Right, to be effective, cannot be limited to Europe and the United States. It must be of universal application, and any organization supporting it must aim ultimately at universal jurisdiction.

Could such an organization be brought into existence, and if it could, would it really be helpful to the maintenance of Public Right?

It has been seen that in Europe during the past century there has been a tendency towards the recognition of Public Right: a tendency encouraged by the co-operative action of the various States at the beginning of the century, and enhanced by the growing belief in nationality, but checked by the narrow limits within which both action and theory were applied, and also by the fact that the work of international co-operation was undertaken, not by communities, but by Governments; so that in actual practice the belief in nationality and the habit of joint action among European nations worked in opposite directions.

Thus it appears that the international problem is much the same as that which the various communities have spent the last thousand years or so in vainly trying to solve—the problem how to render co-operation between all existing units (whether individuals or States) subservient

to the full and free development of each separate unit.<sup>1</sup>

Can this problem—at present unsolved in internal affairs—be solved in international matters? Obviously, the first necessity for successful co-operation is the free consent of the co-operators. Can it be hoped that the nations of the world will yield this free consent? Will they agree to submit their disputes to the arbitrament of persons, presumably unconcerned, and to receive their judgment as binding? Again, looking at the history of the nineteenth century, both hopeful and un-hopeful auguries can be discovered.

There has undoubtedly been a tendency, nay an increasing tendency, to accept arbitration in international disputes. During the past hundred years two hundred cases have occurred in which disputes concerning boundaries, treaties, claims for compensation, etc., have been settled by arbitration.

How many of these disputes would, if left to the parties themselves, have led to war must be doubtful: but at any rate, arbitration checked the danger, and helped to create the habit of seeking some solution of public difficulties other than the no-solution of force.

The arbiters on these occasions have been special individuals, appointed in each case for the particular purpose, and usually selected from States which were supposed to have no special interest in the point at issue. The question naturally occurred whether the existence of some permanent organization, fitted to act as arbitrator in any dispute

<sup>1</sup> Of course, if this development is not accepted as the chief end of human activity, there is no problem. The question then is simply that of creating some force strong enough to crush all opposition. This—if the force can be created—is no doubt a short and easy means of obtaining peace, both internal and external, almost as effective as the method of those "who made a solitude and called it peace."

which might occur, would not facilitate and increase the habit of resorting to arbitration. Hence arose the celebrated Hague Tribunal, which had been in existence some fifteen years before the beginning of the present war. As it chanced, however, no question of importance had been referred to it: and the experience gained from its working is, therefore, of little value.

In considering cases of arbitration it at once appears that the main difficulty to be encountered in the use of this method of settling disputes is its unpopularity. In several of the cases mentioned above the resort to arbitration pleased none of the peoples concerned. In the most celebrated instance—the case of the Alabama claims—the temper of both English and Americans was such that the avoidance of war seems wellnigh marvellous. Again, in 1904 the English public would have plunged light-heartedly into a war with Russia to avenge the Dogger Bank episode. It may be doubted if any Government less in credit with the militarist elements in the nation than Mr. Balfour's would have been able so far to resist the popular outcry as to refer the matter to a Commission of Inquiry: and if these insane clamours arise at each crisis in England, there is little hope that other nations will be more reasonable.

It is important to note this; for among certain sections of reformers there is a tendency to lay the whole blame for war on diplomatists, armament-makers, and journalists. All these classes of society must bear their share of responsibility; but ultimately their power rests on the support of the public; and in the main, war is popular.

Its popularity rests partly on its dramatic appeal: it furnishes sensation on a huge scale; and the mass of mankind are too weary or too stupid to create sensation for themselves. Further—a far higher motive—it offers to people, as they think, a chance



of doing direct service to the community in which they live, and service which may require a heavy sacrifice. The majority of mankind are far readier to face death than boredom. Therefore, for one man who will give up a few precious hours of leisure each week to yawn out his soul at a Borough Council meeting, in the hope of checking extravagance or preventing maladministration, a hundred are ready to give their whole lives for the sake of what they summarize as the defence of their country. A third reason, and perhaps that which is most dangerous to the popularity of arbitration, is the desire for quick and effective action. To all persons who lack either recollection or experience, war appeals as a quick way out of the difficulty. An obstacle stands in your way? Thrust it aside! An impudent State denies the divine right of a great nation to do as it chooses? Thrash the brute! Such vigorous action is the only method of arriving at an end some persons can understand. Patience they regard as a selfish and dishonest meanness. They belong to the same order of humanity as those reformers who think that to pass a law is necessarily to solve a problem. Hence war often becomes the resource of Governments desirous of increasing their popularity—such, for example, as the Government of Louis Napoleon in 1870. That such should be the case speaks volumes for the responsibility of the people, as a whole, for war.

This popularity of war makes very doubtful the efficiency of any permanent organization for the maintenance of Public Right. In the long run the effectiveness of such an organization must depend on the hearty co-operation of all the nations concerned; and this in itself constitutes a grave difficulty. But if such an organization existed, would it be effective in checking war and enhancing a respect for Public Right? The same unpopularity of arbitration which rendered such an organization

difficult to establish would, of course, also diminish its effectiveness. But apart from this, are the questions provoking war usually those which can be settled by arbitration? In other words, does war usually arise from some special cause, or is it the outcome of a long period of suspicion, fear, or avarice, on the part of the nations concerned?

And even where the war does arise from some special cause, have the belligerents sufficient common ground to make arbitration possible? <sup>1</sup> The European wars of the nineteenth century do not encourage the idea that arbitration would be effective. In the Schleswig-Holstein affair, arbitration might have stopped the war if the award had favoured Germany, and had been grounded on the German proclivities of some parts of the duchies: but it may be doubted if any Court at the time would have given such an award on such grounds. In the Crimean War, France and Russia were in a state of nervous and uneasy hostility; while Turkey, backed by England—or rather by Lord Stratford de Redcliffe—was resolved to refuse to Russia the protectorate over the Greek Christians in Turkey which she was bent on claiming. If mediation—not arbitration—could have solved the difficulty, it would have been solved. The air was thick with “Notes,” with Vienna as the centre of the paper storm. But how could two parties holding such diametrically opposed views be satisfied? The “will to peace” was wanting in all the nations concerned. Could England have been induced to accept any award after “the massacre of Sinope”? Or could any arbitrator have overcome the Tsar’s resolve to gain a footing in Turkey?

In the same way, no arbitration—as far as can be seen—would have averted the Franco-German

<sup>1</sup> Of course arbitration is more possible after a war, for then the combatants are tired out and willing in some degree to submit to reason.

War. France was mad for military "glory": Bismarck saw his way to attaining solid and substantial gains to Germany from war. The Spanish question might have been settled three times over without averting war.

But it may be urged that in these cases and others an award backed by force would have been effective. But would the award have been so unanimous as to ensure its being backed by an overwhelming power? In the Crimean War, for instance, would Austria and Prussia (both of which wished to keep out of trouble) have been ready to lend their aid to crush Russia? Russia would, at any rate, have hoped to detach them, or one of them, from the Allies, and in this hope would have resisted a hostile award; in which case, the war, if shorter, would have been more widely spread, and the wrong done to the innocent and helpless inhabitants of the various countries, greater. Again, in the Franco-Prussian War, would either Austria, Italy, or Spain have cared to take steps to enforce an award which probably neither combatant would have been willing to accept? Curiously enough it is in the wars outside Europe that there seems to have been most chance for effective arbitration. It is possible that the Anglo-Chinese wars might have been stopped by the intervention of neutrals, supposing either China or England to have been willing to submit to outside interference. Certainly, the mere submission to arbitration on the part of England would have implied the acknowledgment of certain rights on the part of the Chinese, and might have brought home to Englishmen how great their infringement of these same rights had been.

On the whole, a hasty glance at the history of the last century suggests, first, that arbitration and therewith the recognition of Public Right is making some headway; secondly, that it is hampered by its applicability being limited to Europe

and the United States ; thirdly, that whereas the existence of a permanent Court of Arbitration may facilitate the resort to arbitration, there is no clear evidence that it will do so.

It seems, therefore, doubtful if it is worth while for persons, anxious for the establishment of Public Right, to concentrate their attention on the development of a permanent International Tribunal, especially considering the difficulties in the way.

The first difficulty, of course, concerns the nations to be represented : and here if the Tribunal is to attain any measure of success the widest possible scope must be allowed. Since the Anglo-Japanese Alliance the exclusion of Asiatic nations from such a Tribunal has become impossible ; but every community possessing sovereign rights and with a Government capable of controlling the actions of its subjects should be invited and admitted to representation. No question of colour, race, or civilization should debar a community from the advantages of the Tribunal. To admit such disqualifications would mean the erection of a double standard of public morality which would inevitably weaken and at last destroy the principle of Public Right : but it need hardly be pointed out that, essential as this principle is, the mixture of persons with entirely different standards of morality and honour would greatly increase the difficulty in the way of the Tribunal's labours ; yet it would be a less evil than the establishment of one rule, say, for the white and another for the black.

The second great difficulty, of course, is the constitution of such a Tribunal. The general practice in cases of arbitration is for the communities seeking an award to agree on some neutral individual or State as arbiter. In the case of the first Hague Tribunal the Commission for arbitration was formed of diplomatists appointed as their representatives by the various Governments concerned. Such a

procedure ought probably to be followed in so much as the Court should be composed of representatives of all the countries disposed to join in such an undertaking. But it may be doubted if the appointment by Government, without reference in any way to the popular voice, and without any direct responsibility on the part of the representatives to the people they represent, would be the best means of securing a Tribunal which should command public confidence. In England, and in other countries with parliamentary institutions, it might be advisable that the appointment of the representatives should be confirmed by the popular assembly, and that they should be called upon to submit an annual account of their stewardship to Parliament. Such an arrangement would have the advantage of giving the public some knowledge and interest in foreign policy, and thereby securing their support to the policy of the International Court.

Another question of importance is the number of representatives to be allotted to each country. Should each nation simply have an equal number of representatives? Or should the question of population be taken into consideration?

At first sight, it seems ridiculous that the British Empire, with 435 millions of population, should have no more representation than Luxemburg, with its 260,000 inhabitants; and such an arrangement would have the further disadvantage that it would enable a combination of small nations to outvote the large ones, who would certainly not endure it. It may, however, be doubted if such a combination would take place. Every great nation, by means of its wealth and power, holds its small neighbours so much in subjection that it is questionable if they would venture on a combination so offensive to the Great Powers; and these Great Powers, merely by reason of their greatness, would have an influence in the Tribunal far

beyond their mere voting strength. Hence additional representation seems unnecessary ; but should it be found requisite in practice, the difficulty might be solved by arranging that there should be a fixed maximum number of representatives for each nation, beyond which no nation might go, but up to which representatives should be allotted to each community relatively to the numbers of its population.

Incidentally, such an arrangement would have the advantage of partly solving the difficulty of the position of communities like the self-governing Colonies. The British Empire, for example, having presumably the maximum representation, could leave the nomination of some of her representatives to the Colonies and to India, who would thus secure direct representation.

Returning, however, to the question of how far such representatives should be responsible to the people as well as to the Government, it is important to bear in mind the fact, already noted, that the warlike tendencies of communities often run ahead of those of their rulers ; so that there is some temptation to think that any organization for the maintenance of Public Right should after all be formed of the representatives of Governments rather than of peoples. But to this arrangement there are obvious objections : not only in such circumstances would publicity be unnecessary, but to a Tribunal so formed it would be obnoxious ; the members would object to being exposed to the impotent criticism of persons to whom they did not feel themselves responsible. But this secrecy would go far towards nullifying the feeling of security which should be one great benefit arising from an International Tribunal. Possible secret intrigues and cabals would be the chief danger of any such organization : and when no publicity attended the work of the Tribunal, when no outsider could question an obviously biased decision or a suspicious change



of tactics, these intrigues would have far more scope ; while the outside public, conscious of ignorance concerning discussions upon which their lives and fortunes depended, would probably learn to regard the Tribunal's decisions with a mixture of terror and contempt.

Hence it appears as if publicity and therewith a certain amount of popular control are essential to the effective working of any organization charged with the maintenance of Public Right.

Unluckily the difficulties in the way are enormous. No department of government is usually more jealously guarded from the intrusion of the popular voice than the department of foreign affairs ; in none, perhaps, is the clash of personalities of so much importance ; and in none, therefore, is over-hasty comment or malicious rumour so injurious. Hence the public is kept ignorant of foreign affairs and, except when a war is imminent, usually knows little and cares less about them. This indifference has specially marked England during the latter part of the nineteenth century. A certain degree of interest in foreign relations has, indeed, been aroused, but rather from the point of view of national defence than of genuine foreign policy. In the early years of the nineteenth century public interest in foreign policy was much keener. There was one broad, definite principle that a large section of the English public desired to see worked out—the principle of nationality. With the dying out of interest in this principle English interest in foreign policy lapsed. It is possible that direct influence, through Parliament, over a body whose acts were publicly known might revive that interest.

Unhappily, it may prove almost impossible to overcome the horror with which many persons regard the necessary condition on which alone the Council could secure public respect and public confidence—to wit, public control and some degree of publicity.

The necessity for preserving the respect and confidence of the world at large forms one of the strongest reasons for publicity. If the award of the Court of Arbitration is enforced only by moral sanction, then it obviously will not be obeyed unless the Court is respected. If the Court is allowed to use force its command thereof must depend on the willingness of its component parts to contribute both men and money to the international army ; and that willingness, if it is to be general, must in its turn depend on the estimation in which the Tribunal is held. Too often it is taken for granted that a Court of Arbitration would, in any case, preserve general respect ; but no Court can do so whose proceedings are not public. This is peculiarly true of an International Court, of which the impartiality is certain to be far more " suspect " than is the case with a Court administering justice between individuals ; since in most communities the population is sufficiently large to make it unlikely that the judges deciding the dispute will themselves be personally interested therein ; but in the case of international quarrels the number of nations is so limited, and their interests are so intertwined, that in any question of first-class importance it would be difficult indeed for the representatives of the different nationalities to preserve a perfectly unbiased mind.

The importance of this question of publicity becomes the more obvious when the subjects coming under the jurisdiction of the International Council and Tribunal are considered. The classes of subjects already submitted to arbitration include questions of the interpretation of treaties, questions of boundaries, questions of claims for injury made either by nations or by private individuals. But another classification has been made ; it has been suggested that a Court of Arbitration can take no cognizance of questions touching the honour or the vital interests of a nation. If this idea is adopted,

the value of the work of an International Tribunal will be limited indeed. It is rare indeed that modern nations go to war on any questions which they do not at least pretend affects their honour or their vital interests. The whole subject-matter of the present war would be entirely ruled out of court by such a distinction. It is true that the Court of Arbitration might still be able to nip disputes in the bud before they reached the point of affecting the "honour or vital interests" of the disputants: and this function would be valuable: but it would be hampered by the uncertainty that would probably exist as to what disputes did concern "honour or vital interests." Here the value of publicity and public control appears. That any people should submit the decision of a case concerning their "honour or vital interests" to a Tribunal over whose actions they have no power and whose methods are secret is obviously a proposition too monstrous to be entertained. But if the actions of Tribunals were public and amenable to public criticism, and if the peoples concerned had in general their due share of influence over the Tribunal, by means of their representatives whom they controlled, then the extension of the jurisdiction of the same Tribunal to matters of vital import would be far less open to objection.

At the same time, however, it would in any case be necessary to put strict limits to the jurisdiction of an International Court. Every central authority, unless its powers are strictly defined, tends to encroach on the province of lesser authorities, since it is continually tempted to enlarge its boundaries by appeals from local minorities. Such minorities invariably conceive that over a large area the majority would certainly be with them, and they demand of the central power that it should express what they believe to be the popular will; and when the authority, as in the present instance would be

the case, is only indirectly responsible to the public, the temptation to act in correction of authorities with a more limited jurisdiction is almost irresistible. Hence, it will be necessary to lay down very definitely the subjects which the International Tribunal must *not* touch ; and here fresh difficulties will probably arise.

That all internal affairs are entirely outside the scope of an international organization will be generally agreed ; but to keep internal and external affairs distinct is a matter of difficulty. Finance—taxation and expenditure—for example, is a subject over which it is essential to preserve the fullest possible national control : it is the key both to power and to liberty. But tariffs frequently have an international significance, and inasmuch as they are the subject of treaties, would almost inevitably come under the jurisdiction of an international authority. Again, all means of communication—rivers, roads, railways, canals, the sea and the air—are all subjects both of national and international concern, and to adjust the precise limits of international right in these matters would be a task of considerable delicacy. Again, what about world-organizations, such as religious communities ? Would religious persecution come under the cognizance of an International Tribunal ? What line, for instance, would it take on such a demand as that of Russia previous to the Crimean War for the protectorate over certain members of another State ?<sup>1</sup>

Closely allied with this, of course, is the question, already touched upon, of subject communities. Rebellions, pure and simple, may be considered as

<sup>1</sup> It should be remembered that the refusal of the Russian claim to a protectorate turned wholly on the political importance of the Turkish members of the Greek Church. Austria had been accorded a protectorate over the Catholic subjects of the Sultan, but they were few in number while the Greek Christians were many.

matters solely of internal policy ; but it must be remembered that were an International Tribunal in full working order, the exclusion of any belligerent from its benefits would be a most serious matter. It would mean that the ordinary rules of Public Right did not apply to them, and they could neither be bound by nor receive benefit from the ordinary rules of civilized warfare. The mere possibility of such a state of affairs would be a serious hindrance to the growth of the idea of Public Right. At the same time, it is impossible to treat rebellion as anything but a domestic question. But when the rebels, as in the case, for instance, of the Confederate States, desire to form an independent State for themselves the case is altered. What, then, should the Tribunal do ? To admit their appeal would be to admit the point at issue—their independence ; to refuse it would be to deny it. In the case of the Confederate States, the neutral nations took the line of holding their judgment in suspense, and granting the Confederates belligerent but not sovereign rights. It might not be impossible so to constitute an International Tribunal that a committee could be appointed therefrom to consider whether or no the rebellious subjects or communities should be admitted (*a*) to sovereign, (*b*) to belligerent rights. In the first case the arbitration Tribunal would take upon themselves to judge the quarrel as between two equals ; in the second, while declining to consider the main ground of the quarrel, it would see that the ordinary laws of war were observed and that relations with neutrals were regulated according to ordinary custom.

Before, however, any or all of these questions as to the jurisdiction of the International Tribunal could be solved, it would be necessary to consider whether or no it ought to enforce its awards.

At first sight this right seems almost essential to the Tribunal's efficiency. A body which could



not enforce its awards ceases to be a governing force and becomes an advisory committee. It is urged that in internal questions disputes between individuals are decided by Courts having an overwhelming power behind them, and it is assumed that the existence of peace and order is due to the power of these Courts. Hence it is considered that the International Tribunal should also have a force at its command. How that force should be obtained or organized is a difficult question. Were the Tribunal to command a special army of its own, apart from the difficulty of finding it an abiding place and a commander, the burthen of maintaining an international force large enough to overwhelm any Great Power or combination of Powers would be prohibitory. The most obvious method would be for the various nations represented on the Tribunal to pledge themselves to combine against any recalcitrant member or members of the organization.

But this method would have two disadvantages. First, it would make the localization of war impossible; and secondly, it could only be put in force were the Tribunal unanimous, since it could hardly be expected that nations would contribute their men and money to support an award they thought unwise. This second objection raises a serious difficulty. It is a matter of universal experience that penalties are effective in proportion to the certainty of their infliction; and if in the case of any award not made with absolute unanimity there was always a chance that it would not be enforced (since the burthen of an enforcement might well be too heavy for the majority alone to take up), the deterrent effect of the Tribunal's penalizing power would be greatly weakened.

In any case, if the Tribunal had the command of force its jurisdiction must be most jealously limited. Forcible interference, for instance, in the case of subject communities might too often be injurious



to "a people rightly struggling to be free," since it must not be forgotten that the sovereign nation against which the uprising took place would presumably be already represented at the Tribunal, and would, therefore, be in a position of much greater weight and influence than its rebels could claim. In general, also, the use of force would make against the impartiality of the Tribunal. It would practically mean that the decision of the Tribunal would give to one side or other a powerful ally. All the forces of intrigue and bribery would, therefore, be put in practice to influence the decision ; and *unless publicity and public control were assured*, the result would probably be that the weight of the Tribunal would be thrown on the side that could give most trouble if recalcitrant, with the result that the Tribunal would lose in moral what it gained in physical power.

It may be urged that a fair degree of disinterested administration of justice has been obtained in domestic courts ; but in this case it has only been secured by means of publicity ; and further, it must be remembered that the power of any one great nation relatively to the whole number of nations is far greater than that of any one individual relatively to the judge and jury : and, further, that as things stand men who would scorn to give an unjust decision for the sake of any personal advantage might conceivably think themselves justified in so doing if they believed that they could thereby profit their country.

Two courses have been suggested whereby the obvious difficulties of enforcing the Tribunal's awards should be met. One, that two Councils should be established—a Council of Arbitration and a Council of Mediation. The second Council, of course, would only afford opportunities for advice and discussion. The first would give decisions—and possibly enforce them. Cases might, of course, pass from one to

the other, but it is not improbable that all cases concerning "vital interests or national honour" would fall to the Council of Mediation: in which case, it is possible that the question of enforcing awards would never arise.

The other suggestion is that embodied in President Wilson's so-called "League to Enforce Peace," of which the better title would be a "League to Enforce Arbitration." Under this scheme the nations entering into the League would pledge themselves to enforce, not any particular award, but an appeal to arbitration before the resort to war. Any nation refusing to appeal to arbitration would incur the penalty of attack from all other members of the League; but once the appeal was made, no award would be enforced.

Bearing in mind the reluctance which the peoples of the world have shown to arbitration, there seems to be much to be said for compelling resort to it. An enforced pause might give time for the nations to come to their senses. Further, the scheme has the great advantage that it would obviate much of the difficulty connected with the extent of the jurisdiction of the Tribunal. Broadly speaking, the Tribunal would concern itself with disputes which seemed likely to lead to war, whatever their subject-matter might be, and as only the appeal, not the award, would be enforced, the temptation to extend the Tribunal's power unduly would be greatly lessened.

On the other hand, it might be doubted if nations thus forced to arbitration would be inclined to accept the award, and whether they would not use the enforced interval rather to inflame than to extinguish their differences. But the chief objection to this scheme is that once the members of the League had attempted to enforce arbitration they would have rendered themselves impossible as arbiters. Supposing a powerful nation has declined

arbitration, and has plunged into war: its neighbours attack it with a view of compelling it to submit to arbitration. *Whose* arbitration? That of the Powers who have attacked it? What chance is there that at the end of even three months of war they would be in a temper permitting them to give an impartial or satisfactory decision? Thus, although the scheme might work in certain cases, in others the result would simply be to intensify the evil.

On the whole, however, a scheme in which forcible intervention should be limited to one definite point—the enforcement of the appeal to arbitration—seems the most practicable and least dangerous idea that has yet been suggested, especially if coupled with the creation of another Council of Mediation or Conciliation, which would deal with questions from the standpoint of the adviser rather than that of the judge.

In any scheme, however, the difficulty will lie in securing the three fundamental conditions—the hearty co-operation of all nations concerned, adequate publicity and public control, and the admission of all communities to the benefits of the scheme.

To obtain these conditions a fundamental change of temper among civilized peoples is needed; and it is to this change, rather than to immediate organization, that reformers should address themselves.

There are three lines of work effort along which may help to produce the needed change: economic, constitutional, and educational.

In the first place, it is necessary that the principles of Free Trade should be clearly grasped and firmly maintained. The root idea of Free Trade is the idea that the pursuit by each individual of his own interest, provided he does not interfere with a similar pursuit by others, on the whole works well not only for himself but for his neighbours. Only when certain classes of individuals have been placed by

law in a position of superiority, or when the individual definitely attempts the coercion of others in pursuit of his own interests, does this principle, it is said, fail to contribute to the general welfare. How far such an economic theory would work as between individuals cannot be told, for it has never been tried. No nation has ever permitted its members to pursue their own ends unfettered by any laws save those directed towards the securing of civil and economic liberty.

But in international economics it has been tried, and on the whole has succeeded. Free Trade England, despite the smallness of her national resources, has, during the past century, contrived to maintain a better standard of life for the majority of her population than any country save those which have had an almost unlimited command of raw material in the shape of land; nor has the result been less beneficial in international relationships. A glance at the contrast between England's relations with other nations before and after 1842 shows how much friction and how many difficulties have been avoided by the adoption of Free Trade. At the present time Germany's commercial quarrel with England arises rather from England's support of Protectionist France than from anything in England's own commercial policy.

To maintain and spread Free Trade principles—in other words, to secure the recognition of the fact that the economic interests of communities are harmonious rather than antagonistic—is the first duty incumbent on those who desire the maintenance of Public Right.

The second serious difficulty in the way of a creation of a will to justice and peace is the carefully fostered ignorance of the people and their powerlessness. Being powerless, they are generally contented in ignorance; and when they do become interested in foreign relationships, their sense of

helplessness makes them an easy prey to fears, rumours, jealousies, and hatred, and creates in them the sense of insecurity which is the most powerful enemy of peace.

To remedy this powerlessness the first step needful is to secure that no treaty, understanding, convention, alliance, or other arrangement between England and any other community shall be binding unless and until it has been laid before, discussed, and accepted by both Houses of Parliament. Such an arrangement would go far to secure the publicity which has been already noted as the one safeguard necessary in foreign affairs. If even one nation had adopted this principle, it would imply that a certain amount of publicity must attach to the proceedings of any international organization of which that nation formed a part; and if this plan had been adopted before the establishment of any International League, such publicity might possibly be accepted by the nations forming that League as a natural condition, rather than as a dangerous novelty. Hence to press for this necessary reform at home is, perhaps, the best service that can be done to the cause of Public Right.

Thirdly, there is the question of education. This must be purely a matter of voluntary effort. To introduce teaching savouring of politics into schools supported by public money is to provoke a controversy which (as in the case of religious teaching) is degrading both to education and to politics. But education by newspapers, by pamphlets, by public meetings is essential; and it should be education in the history and principles of foreign policy—not in pacifism. People must learn to understand the lives of other nations—to see matters from their point of view, to realize something of their traditions and history, before they can hope successfully to apply the principles on which pacifism is based. In this respect the Progressive party in

England have been serious defaulters. During the past forty years they have left questions of foreign policy almost entirely in the hands of their opponents. The best articles on foreign affairs were to be found, for example, in the *Morning Post* and the *Standard*. Unless Liberals and Pacifists can remedy this state of affairs there will, as far as England is concerned, be little hope for the progress of Public Right.

It may, however, be urged that though these measures may be good, there is no time to apply them. The end of the war (it may be hoped) is approaching; and the establishment of some international organization charged with the prevention of future wars should, it is urged, form part of the terms of peace.

It may, however, be doubted whether to insist on the inclusion of such a scheme among the terms of peace would really assist the end in view. The difficulties in the way of establishing a suitable organization have already been indicated; and at the end of the war, when all nations will be in a state of worn-out hatred and distrust, the establishment of a Tribunal requiring the most careful and delicate adjustment of interests and powers would be a task beyond their capacity. While a hasty and ill-constructed League, limited in scope and unguarded by publicity, might and probably would result simply in a worse form of Holy Alliance: it would become a League of strong nations banded together for the coercing of weak ones.

At the same time, some International Congress or Conference will be needed after the war. There are certain questions that must then be adjusted, and the appointment of an International Commission for their adjustment will probably be an essential part of any satisfactory terms of peace.

The questions to be laid before such a Congress or Commission would include—

1. The adjustment of boundaries, especially in the



Balkans. The Balkan question will not be settled, of course, but some *modus vivendi* must be found.

2. The question of communications. Germany, Austria, and Russia all three require to be assured of an outlet in the South-East.

3. The question of subject nationalities, including Ireland, Poland, Persia, Finland, and the Austrian dependencies.

If the sovereign nations could be induced to leave this to arbitration, an enormous step would be gained. But it is more probable that the Allies will withdraw their demand for the settlement of the question of Austria's dependencies on the grounds of nationality, than that they will extend it as suggested above: though such an extension is the only method by which the demand can be rendered just and feasible.

4. The internationalization of the gateways of Europe, beginning with Constantinople, but not, it is to be hoped, ending there. The Straits of Gibraltar, for example, are another gateway which ought not to be in the exclusive power of one nation.

5. The settlement of the claims from all parties for alleged outrages and injuries committed during the war.

6. The adjustment of "spheres of influence." If these questions are to be satisfactorily settled the principle must be adopted that no nation is to demand exclusive concessions from another.

A Conference or Congress capable of settling these points with any degree of justice would almost certainly contain within itself the germs of an organization capable of acting as world-arbiter. If the necessary degree of publicity and public control can be secured to it, it might not be impossible, after its first tasks were achieved, so to widen its scope and modify its constitution as to transform it into a permanent Arbitration Tribunal: one which would have the more chance of success, since the

nations would already have formed the habit of looking to it for the settlement of the most immediately pressing difficulties.

Such a development must depend, however, on the creation of the will to peace among the nations. After this war it is probable that there will be at least a short breathing space in Europe. For the space of about half a generation, probably, the peoples will remember what they have suffered, and will shrink from provoking a fresh conflict.

This time of memory will give opportunity. If during this time England can secure economic freedom, the public control of foreign policy, and a widespread knowledge of foreign affairs, then one great step will have been taken along the road leading to the rule of Public Right. If in addition to this an Arbitration Tribunal, open to all the world and public in all its proceedings, can be developed from the Congresses or Commissions which the close of the war will necessarily call into existence, this will be yet another step in the attainment of the Rule of Law.

On the use made of the first few years of peace depends the future of the world.

THE FOLLOWING ESSAY BY

E. L. GREAR

("NORVICENSIS")

WAS AWARDED THE FIRST PRIZE OF  
50 GUINEAS IN DIVISION II



## By "NORVICENSIS"

FOR those who desire to see the establishment of Public Right as the governing idea of European politics, the fundamental problem is to discover some method whereby the Reign of Law may be substituted for the Rule of Force in international relations.

Granted the will, there is no more intrinsic difficulty in the actual establishment of the Reign of Law in the international sphere than in national life. In England the supremacy of Law is a result of the strength of the Crown. From the time of the Saxon kings there has always been a peace that was peculiarly the King's peace. Owing to the distinctive character given to feudalism in England by the policy of William the Conqueror, the Norman and Anjevin kings were able to establish a strong central power, which would have been impossible under the conditions of continental feudalism. Thus the tradition of the King's peace was maintained, although the process of securing its general supremacy was not completed until the strong hand of the Tudors put an end to private lawlessness. But in the larger sphere of world-politics the establishment of law will come, not from the action of an omnipotent executive but from the pressure of an omnipotent public opinion.

The development of a scheme of international government from the ruins of the European system which has endured from the close of the Middle Ages is one part of the problem and the less difficult. The first step is to persuade the public

opinion of Europe and America that such a system is desirable.

The problem can hardly be approached without a brief historical summary of the various tendencies which have so completely accustomed men's minds to the idea of force as the proper solvent of international difficulties that they cannot now approach the more rational, equitable, and humane system of Law without certain misgivings.

The influence of the Holy Roman Empire and the Holy Catholic Church gave a semblance of unity to the European polity of the Middle Ages. Though the Empire was less powerful in fact than in theory, yet the best minds of the time conceived its supremacy to be both real and necessary. The decay of the Empire and the effects of the Reformation contributed to the rise of the great nation-States: negatively, from the absence of the unifying forces exerted by the one Empire and the one Church, and positively, by the separatist trend of post-Reformation religious forces, owing to the application of the principle *Cuius regio, eius religio*.

Three times in modern history has one nation aimed at achieving universal dominion by force of arms. The attempt of Spain was subverted by the resistance of England and the Dutch, a resistance which made the Dutch a nation and immensely increased the national spirit in England; the attempt of France was overcome by the deliberate action of the other States in pursuance of their policy of the "Balance of Power." The third attempt is that which the world is now resisting.

During the nineteenth century the principle of nationality, which may be summarily stated as the contention that nations exhibiting certain attributes should ordinarily enjoy political independence, was first formulated, and it achieved such success, that it may be said to be one of the most active and most definite of the forces that go to make



international public opinion. The principle was evoked by the partitions of Poland, strengthened by the resistance of Prussia to the Napoleonic despotism, and finally derived immense prestige from its successful application in the case of Italy. But at the same time the international crimes which have left an indelible stain on the career of Bismarck are an example of the extent to which the principle may be perverted: it leads easily to aggression and to the pursuit of power; it encourages a particularism which exalts the nation, but retards growth towards a world-wide unity. Such disintegrative tendencies as the spirit of militarism and that cult of national power to enforce the national will which, in the extreme form laid down by Treitschke and Bernhardi, is currently regarded as the specific product of German political thought, are among the baser by-products of the principle of nationality. National development has been built up with the aid of force, and overweening ambition has been broken by the force opposed to it by the practical application of the doctrine of "Balance of Power"; and so the principle of nationality has always been closely associated with the idea of power. This being so, the principle is in no small measure responsible for the extent to which the idea of force as the ultimate solvent of international problems has permeated public opinion.

Of other forces working in the same direction, some of the more important are due to economic policy. The partition of the hitherto undeveloped portion of the world has given rise to acute stress; but though the difficulties have usually, in recent years, been overcome by negotiation, the high tension of feeling that has been aroused has contributed largely to international suspicion and unrest, and has served as a continual reminder of the possibility of war.

In our domestic politics the system of virtually leaving the control of foreign affairs to the executive operates against the formation of that enlightened public opinion which is the necessary precursor of the Reign of Law in external relations. Strong public feeling is hardly ever aroused except at the very time when it is most to be deprecated: the effect of this feeling is then seen in a state of public excitement which rapidly rises in temperature until it develops into "war-fever."

Yet the idea of Public Right has received more support in the century immediately before the war than in any earlier period; International Law had increased in prestige, and its scope has been continually enlarged; so that the attempts of the Hague conferences to establish the place of arbitration in international affairs seemed the fitting culmination to a century of progress.

In the last century there was also remarkable progress towards breaking down the isolation of national groups on the social side. In the few years immediately before the war it became increasingly common for selected parties to visit other countries, usually for the definite purpose of the study of social and political conditions, but occasionally for the purpose of creating better relations between groups of persons with the same interests, whether social or religious or economic, by means of these brief opportunities of intercourse between likeminded persons of different nationalities.

The salient feature of the European situation in 1914 was that the Great Powers were divided by a system of treaties into two main groups: Germany, Austria, and Italy being united in a Triple Alliance, and over against this the Franco-Russian Alliance, dating from 1894, was supplemented by arrangements into which England entered with France in 1904 and Russia in 1907. The danger-zone was South-Eastern Europe, where the interests

of Austria, Russia, and Turkey were such that any trouble in the Balkans was likely to become critical. There is little reason to doubt that Germany saw possibilities of extending her influence both commercially and politically through intervention in this region, and as the Austro-Serb situation developed in July 1914, it brought into play so many conflicting forces that nothing but the greatest international self-restraint could have averted war.

Such a grouping of Europe into two main alliances alone contained within itself the potentiality of war, and when we consider the nature of the aspirations and ideals actuating so large a part of Europe in relation to the prevalent theory of national power, it is clear that war on a vast scale was not only possible but probable in any time of crisis.

Seeing, then, that in International relations the Rule of Force prevails, and that the tendency of so much current political thought is to encourage opinions which, if they do not actually make for war, easily assume a warlike bent, and to belittle the application of juridical methods to international affairs, it is therefore desirable that we should not only consider the nature of any plan which may be likely to make for the establishment of Public Right, but also that we should inquire as to what readjustments can be aimed at with a view to securing a more enlightened public opinion.

In passing to the consideration of the kind of international arrangement that would be necessary to give effect to the aspirations and hopes expressed in Mr. Asquith's speeches, regard must be had to the cardinal principle that the establishment of Public Law involves a Public Tribunal, backed by an effective Public Force. No reasonable man with any perception of practical aims objects to the legal exercise of force by Governments to restrain private violence and wrongdoing; it seems to follow that the exercise of force by a duly authorized

international body must be the ultimate safeguard for the public right of the world.

If at this point we consider exactly what is implied in Mr. Asquith's utterances we shall be better able to indicate the outlines of the kind of international scheme which would give an effective sanction to public law.

I. The whole conception is based on equality of right as between States. This idea was familiar to the mediaeval world and is clearly enunciated by Dante,<sup>1</sup> but it was introduced afresh to the modern world by Grotius. As Maine points out "the proposition that independent communities, however different in size and power, are all equal in the view of the law of nations, has largely contributed to the happiness of mankind, though it is constantly threatened by the political tendencies of each successive age."<sup>2</sup> It is threatened, for instance, by the more extreme developments of the principle of nationality, and it is totally inconsistent with the power theory of nationhood. It excludes the penalization of one state by others, whether economically or otherwise, save by legal process following judicial decision. It ignores considerations of size and strength, and is only concerned to maintain the fullest measure of individual freedom for each State that may be consistent with the common liberty.

It is obvious that there can be no equality of opportunity and of independence between States under the Rule of Force: it is only the Reign of Law that can protect the interests of the weak as against the strong. The only possible condition on which this equality can be secured is that militarism as a system must be replaced by ordered government. There is no room within this conception of equality of right for the oppression of minorities, for, as Lord Acton has observed, "the

<sup>1</sup> *De Monarchia*, i. chap. x.    <sup>2</sup> *Ancient Law*, chap. iv.

test of liberty is the position and security of minorities." <sup>1</sup> Nor is there room for interference with the internal economy of States: the corporate consciousness of each must be left to work itself out in its own way, with the reservation that any State which, in the pursuit or exercise of its liberty, allows its nationals to infringe the rights of another State, or by its public acts itself offends against the sovereignty of another State, must be restrained in the interest of the general order. It is the more important to insist that there can be no interference with the domestic matters of the several States by any central executive authority that may be established, since it was on this rock that the last attempt to maintain European order by means of a central control made shipwreck. The Holy Alliance, initiated by the Tsar Alexander in 1815, though it was always working under difficulties, not the least of which were due to the reactionary influence of Metternich, finally broke up through ill-advised attempts to dictate the internal policy of independent States.

Nor is " free development " a mere general formula. The stronger the corporate consciousness the more likely is the need for development to be felt. Development may mean economic or territorial expansion. The growth of population and of industry within a State may make it necessary that its resources should be increasingly supplemented by supplies from abroad; its maritime interests may become greater; coaling-stations may become a matter of necessity; if it has access to the sea only through some port in the territory of another State, it may quite reasonably claim better facilities for the means of access to and the fuller use of that port. Similar natural causes may make a demand for territorial expansion not unreasonable. Any scheme of international polity

<sup>1</sup> *Letters to Mary Gladstone*, p. 69.

must be elastic enough to allow for alterations that may be rendered necessary by this right of free development. This is the more necessary in view of the existence in Europe of unsatisfied national demands for political independence. It is of the first importance, therefore, that whatever scheme may be drawn up, should explicitly provide for the modification of treaty arrangements and international boundaries from time to time. The American Civil War is a conspicuous example of the consequences of a federal scheme without sufficiently elastic provision for readjustments; "the immediate or proximate cause of hostilities was not slavery, but the claim of South Carolina to secede from the Union." The very efficiency of the constitutional provisions designed to give stability to the Federal Union thus led to war, a paradoxical situation which enforces the lesson that a body which is to control the external relations of otherwise independent States must have sufficient stability to secure cohesion and sufficient elasticity to prevent violent disruption.

The fundamental hypothesis—equality of rights—demands that any international arrangement designed to secure the establishment of Public Right must make effective provision for—

1. The utmost degree of liberty for individual States that is consistent with public right.

2. Such a degree of control as to the external relations of these States as will ensure public order.

3. The due observance of Public Law.

II. It is also fundamental that the whole idea rests upon its acceptance by the "common will." Much ingenuity has been expended upon the discussion of the "common will," but for our present purpose it may be taken as the will of the majority.



The ascertainment of the will of the majority, to people imbued with Western political ideas, means a representative legislative Assembly. Some kind of international Legislature there must clearly be, representing the will of the majority. Such problems as the constitution and electorate of such a body, its relation to the State Legislatures, what relations, if any, it will have to individual citizens of the States, would require careful and detailed consideration of matters which lie outside the present inquiry.

III. The existence of an international judiciary is also implied. It is axiomatic that there must be an authority to decide as to what constitute "acts of aggression, breaches of faith, and disturbances of the peace." And argument is again unnecessary for the view that this judicial power must lie outside the several States, and must therefore be an organ of the central Government.

IV. The very essence of the new order is its "enforcement by the common will." The really contentious questions centre round the sanction to be given to International Law. It is here assumed that there must be the right to use force as the ultimate sanction of the Supreme Law; the nature and control of this force is a matter for discussion. It is submitted that the only ultimate safeguard for the preservation of Public Right is the restriction of the use of force to a central international Government. Unity of law involves a unity of force. President Wilson has described the nature of this force: "A force so much greater than the force of any nation engaged, or any alliance hitherto formed, or projected, that no nation, no probable combination of nations, could face or withstand it. Right must be based upon the common strength, not upon the individual strength of the nations upon whose concert peace will depend." The force at the disposal of the International

Government must have a preponderance comparable to that preponderance of force which a State brings to bear upon disturbers of its internal peace. Mr. Bertrand Russell has, in fact, declared that "there will have to be only one Army and one Navy before there will be any reason to think that wars have ceased." This is the logical conclusion to which the idea of the use of force as a kind of international police leads, but it is not easy to imagine any State wholly denuded of the means to threaten war. The best guarantee of peace seems to be to aim at such a concentration of power under international control that no State would be likely to persist in the attempt to resist it.

Such a force would almost necessarily be composite, its distribution and probably a part of the cost of maintenance being localized.<sup>1</sup>

The problem would be to secure that no State could in any time of emergency be in a position to make effective use of its own quota of the international force as an insurgent force. This might be achieved most nearly by complete centralization of all matters proper to the Higher Command, including the normal stations of troops, all questions of mobilization and of ordnance supplies, so that such units as must be distributed throughout the several States would not ordinarily be sufficiently complete in themselves, not only from the point of view of staff organization but also in respect of their actual composition, to enable independent action to be taken against the international executive with any prospect of success.

It is conceivable that a progressive limitation of individual armaments consisting in the periodical transfer to the control of the international executive of a specified quota of existing forces, naval

<sup>1</sup> The plan of a grant-in-aid subject to efficiency on inspection might be adopted as a convenient means of dividing the cost between the central Government and the several States.

and military, might provide a practicable means of building up such a central force. Some such plan might go some way towards meeting the practical difficulties of transferring the control of organized force to an international body. If once it be understood that the organization of "the major force of mankind" demands that this nation (with others) should hand over effective control of at least some portion of its naval and military forces to an international executive, it will then be seen how great a demand would at the same time be made for mutual understanding and confidence, and for a real "spirit of accommodation."

V. This mental attitude of sympathetic understanding is the necessary precursor of the spirit which underlies Mr. Asquith's conception of a partnership of nations, released from the strain involved in the attempt to maintain the "precarious equipoise" of the "Balance of Power," and consequently enabled to pursue the nobler ends of human progress. There can be no more glorious aim than the reinstatement of the idea of the solidarity of mankind as the object of the united effort of the civilized world. The energy that might be devoted to the pursuit of real progress is now largely dissipated in the struggles of competing nations in the race for power. It cannot be otherwise while the possession of power is the condition of national existence. The welfare of humanity therefore seems to depend on the replacement of the system which rests upon national force by one in which security is found in the existence of an effective public law.

The cumulative effect of these considerations is that an international arrangement which is to satisfy the required conditions, must by some means secure that autonomous States whose sovereignty and independence are only to be limited in respect of external relations, may yet be bound by the judicial decisions and subject to the executive

authority of some central body, in this one sphere of international relations. It is of the essence of any such plan that the central authority should be able to command overwhelming force for the preservation of order, in the same way that each State can, within its own limits, overbear resistance by its major force. Such a central executive must possess a Legislature, a judiciary, full control of naval and military forces, and the requisite financial powers to maintain these organs of government. It must be empowered by its constitution to provide for the revision of treaty-rights, for the adjustment of territorial limits from time to time in the common interest, and it must be precluded from interference with the internal affairs of the constituent States. A body endowed with these powers, the accepted attributes of a sovereign State, would, under whatever name, be in effect the Federal Government of a world-State.

It is of interest in this connection to recall the following words of that eminently cautious political thinker, Henry Sidgwick: "And perhaps some federation of European . . . States, with a common Government sufficiently strong to prevent fighting among these States, is not beyond the limits of sober conjecture as to the probable future course of political development."

It will perhaps be objected that the aims can be attained by less thoroughgoing methods, and in particular that the American League to Enforce Peace would go far to secure the desired results. But the proposals of this League appear to rest in the main on the third Article, which expressly contemplates the possibility of a State or States setting the League at defiance and "committing acts of hostility" against and "prematurely attacking" another member. The remedy is the joint use of the economic and military forces of the members against the offender. This is a very different

thing from the use of a unitary force, the organ of a Federal executive. The League assumes that such a combination will make for peace. But in the absence of a unitary force, there can be no motive for any nation to reduce its armaments. The intervention of the League in such circumstances would mean a world-war, waged by the unrestricted national forces of the members. The experience of the present war does not suggest that any possible combination of national forces on the present scale, against Germany for example, would be likely to have that overwhelming preponderance which is essential to a force that is to keep the peace. If national forces are to remain intact, what likelihood is there that one nation will not rely, as Germany did notoriously rely in 1914, on its greater facilities for mobilization, and, trusting in its preparedness, make such an attack as the third Article contemplates?

Another defect of such a League would be that the use of national forces, so far from tending towards reduction of armaments, would compel some States, notably England and America, to maintain even larger forces than they have hitherto thought necessary.<sup>1</sup>

Further, the League expressly leaves room for war in the event of negotiation proving unsuccessful, so in any case States can yet rely on their own forces in a given contingency—a circumstance which would also operate against reduction of armaments, and tend to maintain all the perils of the old system of power.

<sup>1</sup> It seems clear that the proposals of this League would fail to satisfy the conditions laid down by Mr. Asquith:—

, 1. So long as there are nationally controlled

<sup>1</sup> Mr. Taft admits that America would be committed to "an army which we could mobilize into a half-million trained men within two months." (Article by Mr. Taft on the League, *Manchester Guardian*, October 3, 1916.)

armaments, and no central international force able to overbear resistance, the spirit of militarism will remain the determining factor in international relations. It cannot be otherwise so long as the only security for national existence is national power.

2. While the international system rests on the power of the several States, equality of opportunity and of independence will be denied to the weaker States; there can therefore be no equality of right.

3. The League does not definitely aim at the establishment of the Reign of Law (it allows for war in certain cases). Where it does seek to secure the application of international right, the sanction it proposes seems inadequate.

4. The proposals rest ultimately, not upon the common will, but only upon a more closely regulated "Balance of Power." Where there is that balance there will still be room for competing ambitions and the exercise of power.

5. Nor is it probable that its proposals would be likely to promote any substantial progress towards the working out of an ideal partnership of nations living under the Reign of Law.

While it is hardly possible to gather from the necessarily general statements of President Wilson what plan or framework he has in mind, he appears to contemplate something very much more nearly resembling a real Federal World-State than his compatriots of the League to Enforce Peace. His view of the nature of the force behind the new public law has already been quoted (*supra*, p. 183). He further emphasizes the distinction between "entangling alliances which draw the nations into competitions of power" and a real "concert of power." He refers specifically to a unity of action in the common interest. Now, unity of action, culminating in the employment of the "organized major force of mankind," seems necessarily to imply executive



control on a world-wide scale to secure the common freedom of the nations. It is difficult to see how a working plan embodying these generous conceptions would differ in any material respect from a systematic federal union of States.

Whatever difficulties may arise in practice in framing a working scheme to embody the ideas here set forth will be comparatively insignificant in proportion to the initial difficulty of securing a general will for public right as the basis of international politics. The crude yet subtle psychology of the mass has a strong bias in favour of Power (which it can understand), and against Law (of which it has no real experience), in the international sphere. Public opinion needs to be taught that there is nothing derogatory to a great nation in placing its case before the most august public Tribunal. Something would be sacrificed—the right to be judge of its own cause (and this is a right absolutely opposed to the principles of our English Law), and the correlative right to coerce other nations by its power. But more is to be gained: the material gains are incommensurable, since nothing is so costly as war; but there is a greater gain by far, since this sacrifice implies the security of all the nations and is the highest service that this generation can render to humanity.

Public opinion also needs to be directed to a clearer appreciation of true nationalism. Public right can find no place for the self-asserting nationalism which seeks to crush out the weak, while it must find room for the means to fulfil all legitimate aspirations of nationality. Nationalism must develop into an internationalism based upon the common will, and since the common will is the sum of the wills of individual citizens of the various States, it is within the power of every citizen to hinder or to hasten this development.

There is even encouragement to be drawn from

present circumstances; for while the first effect of war is to stimulate the admiration for national power that is latent or active in all of us, according to our mental bias, it seems probable that the very stress of conflict produces a reaction against the war-producing agents, so that the problems of public right may, in the end, be more widely canvassed than they were before the war. So, too, the past history of International Law and the progress of arbitration afford good ground for belief in their further development. It may be that International Law is for the moment under a cloud; but under such a scheme as has been suggested its chief reproach would be removed, for it would have the sanction that it has hitherto lacked.

The fundamental issue between Law and Power also involves moral considerations. All that is best in men inclines them towards peaceful progress, towards that fuller and freer life which is only possible under the ordered Reign of Law; while men's worst passions are the very stay and support of war, and the policy of Power which makes war possible, and keeps the fear of it brooding over mankind in the uneasy intervals of peace.

The policy of International Federation means the replacement of international hate by international understanding and regard, of international competition by international co-operation, and of international despair and dread by international trustfulness and hope.

The underlying principles of the policy of Public Right have been summarized by President Wilson (in the address from which quotation has already been made), in terms no less felicitous than those of Mr. Asquith, and so nearly resembling them that the very similarity is a happy augury for the co-operation of the English-speaking peoples to one great end.

"I am proposing," he says, "that no nation

shall seek to extend its polity over any other nation or people, but that every people should be left free to determine its own polity, its own way of development, unhindered, unthreatened, unafraid, the little along with the great and powerful."

"These are American principles, American policies. . . . And yet they are the principles and policies of forward-looking men and women everywhere, of every modern nation, of every enlightened community. They are the principles of mankind, and must prevail."



THE FOLLOWING ESSAY BY  
MISS GODFREY  
("JASPER")  
WAS AWARDED ONE OF THE SIX PRIZES OF  
10 GUINEAS IN DIVISION II

Ms. 60 v. 1





## By "JASPER"

IN December 1916 it was possible for an outsider to say of the Great War which convulsed Europe that, stated in general terms, the objects seemed to be the same on both sides. In each case the object was practically reduced to security for national existence. The Allies stated to Germany that they were fighting "to end forces which have constituted a perpetual menace to the nations and to afford effective guarantees for the future security of the world"; and Mr. Balfour, in his gloss upon this, described Europe as "a community of nations ill prepared for defence, plentifully supplied indeed with International Laws, but with no machinery for enforcing them." But before this war is condemned as a mere struggle for a security which could be peacefully guaranteed, the Europe of to-day must be fully understood. The struggle has its roots in the past. The present generation goes out to fight with a vague consciousness that war is possibly an unnecessary evil. It lays down its life for catchwords in which it only half believes, "patriotism" and "nationality." It fights to preserve its heritage from the past, though it is critical of the old formulas. National security ought to depend, it feels, on some idea of public right in Europe. Europe must develop a political conscience. But before we examine the fundamental idea of the European polity, that of the sovereign nation, and certainly before we can discuss the translation of that idea into concrete terms, we must see how it is that the Europe of to-day is plunged into its immense appeal to brute force.

As far as effective international morality goes, the Europe of to-day is the Europe of the sixteenth century. It is true that the nineteenth century made a vain attempt to apply the idea of Grotius, that nations should be bound by International Law. It was a century of experiment in international action. After the upheaval of the French Revolution and the Napoleonic wars, the Holy Alliance attempted to provide Europe with a peaceful means of settling its problems. Meetings of the Great Powers, such as those at Troppau, Laibach, and Verona, were held to guarantee the concert of Europe. Unfortunately, these conferences became the engine of the reactionary Powers, so that Canning helped Europe to break away from them and get back to a "healthy state of each nation for itself." But the Holy Alliance gave Europe certain vague ideas as to international action. All through the century the notion reappears: in the constant meetings of the Powers over the Balkan Question, from the pacific blockade that ended in Navarino to the Congress of Berlin; in the collective guarantee of the neutrality of Luxemburg; in the calling of the Hague conferences. But this tentative internationalism collapsed before the Crimean War, before 1870, before 1914, and, taken as a whole, serves only to show the real basis of the European polity. The governing idea of mediaeval Europe had been that of Empire. But after the long struggle between the Holy Roman Empire and the Papacy for the right to dictate to Europe, the separate countries gradually consolidated their power, until Louis XIV was able to declare to Europe the doctrine of natural boundaries and that might is right. It was the eighteenth century that reaped the full harvest of this doctrine. It was a century of wars, and the prevalent political motive was "land hunger." The Seven Years War saw the beginning of two military Empires. In 1763 England had conquered the French in America

and India, and Prussia had wrenched Silesia from Austria. Chatham had said (in a phrase that reminds one of Bernhardi) that he loved an honourable war, and was furious that the Peace of Paris did not utterly destroy French shipping by denying France the Newfoundland fisheries. Earlier, the partition treaties and the War of the Spanish Succession had given Austria the Spanish Netherlands. Partition was in the air, and in 1772 Russia, Prussia, and Austria shared Poland between them. The nineteenth century seems at first sight to improve on what Sorel calls "the moral bankruptcy" of eighteenth-century Europe. The nineteenth century began in 1789, and the French Revolution introduced the new ideas of nationality and sovereign peoples. But the new century was only the old one glorified. Nations claimed (as Governments and benevolent despots before them) the right to appeal to force. Napoleon, in the name of *la patrie*, humiliated Europe, until by the very extent of his triumph he created a patriotism which answered his challenge. At Tilsit, after Jena in 1806, Prussia herself was partitioned. But it was the defeat at Jena that enabled Stein to reorganize Prussian military power, and laid the basis of Waterloo and 1870. Prussian militarism was the direct creation of Napoleon.

But the reason why Europe has remained content with the appeal to arms, and why no governing idea of European politics has hitherto framed itself, is that no State took complete advantage of the European situation, until the Germany of to-day saw its chance to push the issues to a logical conclusion. The redeeming feature of the English Empire is that the English people as a whole have always been inclined to be half ashamed of it; and France, in spite of her military genius, has been sane enough not to glorify mere force. Europe has muddled along on the theory that things must remain *in statu quo*. She has allowed occasional alterations in

the map as the result of wars or diplomacy, and then embodied these alterations in treaties which became themselves part of the *in statu quo* arrangement. The whole system has been inelastic, and war or negotiation was the only safety-valve for discontent. The only force to hold in check the competing ambitions of each State has been the idea of a "Balance of Power": a system of "groupings and alliances and a precarious equipoise." Thus we get England continually at the back of coalitions against some too-powerful State, or great traditional friendships, or the patronage of the Great Powers for smaller States. When Germany achieved a belated political unity (1870), she saw, as she thought, a decadent France, an over-successful England, and a Europe in which force was the deciding factor in political power. Whether modern Germany owes much to Bismarck, or whether it has been almost entirely made by the place-in-the-sun philosophers like Treitschke and Bernhardi, and by the Kaiser and the military party, it is not vital to decide; the future only will show where the direct responsibility for this war lies. Stein and Bismarck showed what could be done by organization and by a blood-and-iron policy, and Bismarck especially distrusted the permanence of all peaceable settlements of European disputes, but they were both greater statesmen than the Weltpolitik School, which has thrown away the advantages Germany had gained by rapid economic and social development. It is enough to see that Germany was convinced that the other Great Powers were jealous of her development, and that because England controlled the seas she premeditated an attack on German commerce. It was open to other nations to think the same, but Germany alone distrusted English policy. Because Europe had made no preparation to enforce her international will, Germany made the fatally logical mistake of con-

fusing military and political power. Germany staked everything on military preparedness, and has forced Europe to realize that it possessed no effective International Law.

No one can eliminate the element of military power from the situation. But force is only dangerous when uncontrolled, and the task before Europe is to enlist it on the side of peace. But before we discuss the machinery for enforcing the international will, the question must be approached from another aspect. Is it possible to substitute for the appeal to force any idea of public right in Europe? Bernhardt asserts that "the whole discussion turns, not on an international right, but simply and solely on power and expediency." Does international right exist? At first, one answers quickly, yes. Europe was plentifully supplied with International Law. If only there had been machinery, to enforce it, Germany could have been prevented from invading Belgium, and setting her treaty obligations at naught. This right is the right of prescription, the old *in statu quo* argument. Treaties are sacred and must be kept. Existing arrangements are binding, and International Law embodies existing arrangements. But what is International Law but the fossil of past struggles, the declaration of territorial and other arrangements which have been made by force? It is obvious that international right must be largely based on prescription. As Burke showed, no one can afford to break violently with the past. But, as Burke also said, "the State without the means of change is without the means of conservation."

Germany has truth on her side when she questions the permanently binding force of treaties. Conditions are bound to alter. Is there any principle which will justify change and growth? To a large extent Germany is right in stating that there can be no general principles for international action, and yet

it is in opposing German aims that the Allies get their nearest approach to a generalization. Germany meant to use victory in this war as the basis of a more powerful German State. The annexation party hoped to get Belgium and Russian Poland, as well as colonial expansion at the peace. As the war developed, it became clear that Belgium must be given up, that the Allies were aiming at an independent Poland, that Germany had lost her hold on her colonies. But Germany had a second string to her bow in her Mittel-Europa policy. The idea is to form a central European Empire, over which Germany would have a controlling influence, and which would consist of Germany, Austria-Hungary, and the Balkans. The Germans, Austrians, Hungarians (that is to say, the Magyar population of Hungary), the Bulgars, and Turks would combine to make Central Europe from the North Sea to the Mediterranean solid for German influence and power. The German programme, either of the annexation or of the Mittel-Europa party, implies that military power overrides the claims of nationality. The Allies have replied that they are fighting for the recognition of the rights of small nations and of the free existence of small States. Europe is familiar with claims made in the name of nationality, and possibly this may be the touchstone of European public right. Roughly speaking, the idea of nationality is that people of the same race, with the same language and the same social and political ideals, have a right to territorial unity and political independence. For instance, Belgium and Poland have a right to independent existence as against German plans of annexation. The Mittel-Europa policy depends upon the permanence of the Austrian Empire, which sets aside the claims of five nationalities; upon a Hungary in which the Roumanian population (one-fifth of the whole) is dominated by the Magyars; upon a Balkan situation where



Austria has overpowered the Slavs of Serbia, and where Bulgars and Turks threaten the independence of Roumanians and Greeks. But though nationality provides a very convenient battle-cry for the Allies, it is not an infallible solution to all European problems. If the map is rearranged in terms of the national idea, Turkey must be driven from Europe and a national Slav State formed round Serbia. Almost at once we find competing geographical claims of Serbia and Roumania for territory round the river Theiss, and the Serbian racial claim to Dalmatia conflicting with the claim of Italian historical influence. If Hungary gives up her Roumanian population, then the Magyars themselves must have freedom, and to make Hungary an independent kingdom once more suggests the parallel case of Bohemia, with its Czech population. Yet to free Bohemia means to question the whole work of German unity achieved during the last century. The dismemberment of the Austrian Empire is more easily faced, for its break-up has been continually foretold, and Europe is only surprised at its vitality which has kept it alive so long. But if the principle is pushed farther home, it cannot altogether appeal to a country with an Irish Question, and an Indian dependency clamouring for self-government, or to a country which has ill-treated Finland. Small nations are distinctly priggish and irritating, and Poland mismanaged her own affairs when she was independent; the Poles who have been happiest are those in Galicia under Austrian rule. England fears for Ireland, given Home Rule and left to tackle its own Ulster problem. There are obvious points in common between organizations like those of the Austrian and British Empires. If Germany had not persisted in throwing old Europe into the melting pot, there were strong forces on the side of the Allies to make for a conservative maintenance of the *in statu quo*. But if England stands to lose if she

supports some new principle in Europe as against the old rights of prescription and force, yet in reality there is very little choice open to her. If the German claim to world-States and world-Empires is disallowed, the claim of the small State must take its place. The compromise perhaps lies in the fact that nationality can exist within the bounds of Empire. India, and possibly Canada, are no less nations because they are politically dependent on England, while Hungary remains a nation though politically identical with Austria. Imperial government may sometimes give nationality its best chance. The general rule that can be laid down for European politics must run something like this : Nationality can override existing rights only when the past is obviously shackling the present. The basis of public right is prescription, modified by the developing idea of nationality. It is not a clear cut or a simple generalization ; but it is perhaps the best that can be applied to a Europe of which Mr. Balfour has put so well the main conditions : " The existence of a Great Power consumed with the lust of domination, in the midst of a community of nations ill prepared for defence, plentifully supplied, indeed, with International Laws, but with no machinery for enforcing them, and weakened by the fact that neither the boundaries of the various States nor their internal constitution harmonized with the aspiration of their constituent races."

The historical justification of the Europe of to-day has suggested along what line public right may lie. Before this abstract right can be translated into what Burke would call a " real right " (a right with some force to guarantee it), political theory must get free of history and analyse the situation still further. At first sight, it looks as if there were a complete analogy to Europe in the individual State. Hobbes (who used pure analysis) showed how men naturally fight one another until there is established

"some common authority to hold them in awe." The essence of this authority is that to some extent individuals surrender their wills to the will and sovereign power of the State. Eventually, there might be some such Bundestaat (an International Federal State) of Europe, or even of the world, which would embody the will of all the nations. But at present the European polity is founded on the idea of the sovereign nation-State. Nationality may be, as we have seen, a faulty principle which may some day break down. It sometimes seems only a question of historical accident, but it is as obviously not merely artificial. But while the idea that the world is divided into independent sovereign States holds, the analogy between the problem of world-government and Government of the individual State is not complete. Individuals have been willing to give sovereign power to the State. But whatever forms of international authority were established, the world-States of to-day would not be content to yield an iota of their sovereign power. If England were asked to submit the question of Home Rule, Russia her treatment of the Finns, Austria her right to Bosnia-Herzegovina, to a Conference to whose decision they were absolutely bound to submit, they would all prefer the right to appeal to force to safeguard their independence in internal affairs and their territorial integrity. As yet, national security does not seem worth buying at the expense of national independence. Nations still feel that in the great council-chamber sovereignty might be lost as it has been in war. Probably, in the future it will be realized that just as the individual gets his real freedom in the protection and in the life of the State, so nations will derive their rights from a world-authority to which they have submitted. But the State started life as the arbiter between individuals; only gradually did it develop the power to interpret their wills by legislation. International

authority must start from small beginnings. The question is, What practical policy is there before the Europe, or more correctly the world, of to-day?

For an international authority that would be content not to be absolute there is immediate practical possibility. No nation could object to have arbitration compulsory, provided that it might (if it felt its independence threatened) appeal in the end to war. There is machinery already available. Because international will is as yet barely developed, its main manifestation must be in declaring old Law. In other words, international legislation must be judicial legislation; it must be case-made law, depending on judicial decisions on questions of fact, on our old right of prescription. For this work some permanent judicial Tribunal is needed to which nations can refer legal disputes about facts. The existing Hague Tribunal is the kind of machinery wanted. The difficulty in its composition is that it would be too big if the forty-eight States of the world were represented; but it should not be difficult to represent the smaller States in rotation, or let some combine to send one judge. Then as to questions which demand, not judicial decisions, but real legislation—that is to say, which require some new decision or statute which will henceforth be embodied in International Law. For this sort of question it might be more practicable to have temporary conferences, such as the congresses of the nineteenth century. The principle for this kind of legislation would, roughly speaking, be that of nationality; legitimate national aspirations would not be denied. The executive machinery has yet to be devised. An international police force could be created by the requisition of a certain quota of each nation's military and naval power, or the coercion applied might be economic. It would be possible to send the recalcitrant nation to an industrial Coventry, or another suggestion has been that there should be a money

deposit with the international authority which should be forfeited in case of disobedience. This proposal would require careful working out; for to deposit enough bullion would be impracticable, while to pledge national credit would be equally difficult. The first necessity is to co-ordinate the international machinery existent to-day, and to give it an effective executive. As the permanent law-court gets a tradition of continuity, it will codify the existing mass of International Law. As the legislative conferences make vital decisions, they will create precedents which will give the world a growing confidence in security with honour. Nations may elect again to appeal to force, but the whole machinery will check warlike tendencies, and any great war, now that Europe is developing self-consciousness, is a direct incentive to further effort to strengthen international action. And as the world becomes familiar with an expressed idea of public right, nations may come to trust the world's decision. They will no longer hold to their precious national sovereignty, but will consent absolutely to be bound by the international will. Then only can the International Conference become a real Legislature; when the decision of the majority is binding on the minority, when the nation trusts the world as the individual his State to reconcile conflicting interests and rival forces. It is then that the American President's League of Nations to ensure peace and justice throughout the world will be practical politics.

To devise effective machinery for international action must necessarily be the work of political experts. The basis for the legislative and judicial machinery is at hand in the nineteenth-century organization. The executive machinery, whether it is economic or military pressure to be applied, remains to be planned. If there is some principle of public right, and if there is no fundamental obstacle to its ultimate recognition, its translation



into concrete terms will be accomplished as the result of experience. There remain certain factors in the immediate situation after this war. There is first of all the attitude of the Allies to Germany. Will their hatred be so strong that they will persist in dividing Europe into two hostile camps, waging no longer military but economic war? The resolutions of the Paris Conference would seem to suggest that an economic alliance will be substituted for the military alliance against Germany. In one way the war will only strengthen alliances in Europe. It would be unreasonable to expect the Allies to forget their common cause. But if any country could rely on its Allies to back it up in defying international authority, that authority obviously breaks down, and some provision is necessary to forbid alliances to act as a whole against the League, though they must be tolerated at first as sops to the Cerberus of the old national policy. America, which would come into the League free from "entangling alliances," would help to check the undermining influence of combinations within the League, but it would be safer not to rely on her entirely. There is, again, British naval supremacy. Although it is a weapon Britain may be trusted to use for some long time to come, it nevertheless bars the way to complete international confidence. It puts Britain in the position of the citizen who has in his house a revolver with which he can defy (if he should happen to want to) the strongest policeman the State can send against him. But if the past perpetually endangers the life of an International League, the future is more encouraging. The future brings two new elements into the situation. Quite what the war will force on America no one knows; but it is certain that she is prepared to throw over her Monroe Doctrine, and her isolation, and join in the future in a world-League to promote peace. This alone gives incredibly better prospects to international action than



the conditions, for instance, in which the Holy Alliance was formed. The second champion of public right is modern democracy. Democracy is too big a principle to be defined in a few words. In the modern world every interest that would live must bring itself somehow into line with democracy. Democracy is not necessarily the government of the numerical Many; it is a condition when no one interest goes unrepresented, when social interest is so developed that neither industry, trade, foreign policy, or any other question can escape the vigilance of the public mind. It will express itself differently in different countries, but as each nation gets political institutions which more and more perfectly express the popular will, there is bound to be far more chance for international understanding. In Russia the war has given democracy its chance, and the Allied cause is bound up with the democratic tradition. Democracies, especially when undeveloped, may make bad fighting machines, but they are socially conscious, and they will help to make the world so too.

Public right, then, is not a Utopian idea. It is true that the Europe of to-day exists and acts in terms of force. International Law has been violated and nationality (the only attempt at a governing principle) is contradicted by facts like the English hold on Gibraltar. But Europe is thinking in terms of peace. In each nation social consciousness is rapidly developing. In the world there is an awakening which makes patriotism seem a tawdry flag. It is sometimes fine to fight for lost causes, and we may fight under that flag for some time to come. We shall always have to fight under it when any one nation is as aggressively patriotic as the Germany of to-day. But eventually the world will pool its fighting force to keep the peace, itself founded on the idea of public right. The programme before the world is contained in Mr. Asquith's words: ". . . the definite repudiation of militarism as the

governing factor in the relation of States . . . room must be found and kept for the independent existence and free development of smaller nationalities . . . they must be recognized as having exactly as good a title as their more powerful neighbours to a place in the sun ; and finally . . . the substitution for force, for the clash of competing ambitions, for groupings and alliances and a precarious equipoise, of a real European partnership based on the recognition of equal right and established and enforced by common will."

THE FOLLOWING ESSAY BY  
CHARLES STURGE  
("ΘΗΤΑ")  
WAS AWARDED ONE OF THE SIX PRIZES OF  
10 GUINEAS IN DIVISION II



## By "ΘΗΤΑ"

### I. PRELIMINARY CONSIDERATIONS.

MR. ASQUITH'S conception involves the following essentials : (1) The plan must be capable of initiation at the close of the present war. (2) It must achieve the "repudiation of militarism as the governing factor in the relation of States," and also in "the future moulding of the European world." (3) It must secure "the independent existence and free development" of all "conscious" nations, small and great. (4) It must lead on effectually to a real partnership of nations—not necessarily limited to Europe—"based on the recognition of equal right and established and enforced by a common will."

It is a governing condition of any scheme which will satisfy the above requirements that it must be one which the practical and sceptical statesmanship of Europe, faced with the naked realities of the struggle which will then have just closed, shall be willing to consider. This rules out at once many elaborate schemes which postulate such sweeping changes in customs, in institutions, and even in average human nature, that it is morally certain they will not be accepted within any measurable time. If we are to demand the radical reconstruction of European society, or even the universal adoption of Free Trade, or of democratic institutions, as a condition precedent to the solution of our problem, it seems unlikely that effective progress will be made within the lifetime of any of us. To have a chance of immediate acceptance, any proposals must, almost

certainly, be largely tentative, and of restricted scope. Indeed, we may well rejoice if it is possible to obtain a fair trial for quite a modest scheme—always provided that it supplies a well-planned basis on which a sound structure can be built up, as and when experience proves the firmness of the foundation. The real problem is to find a road which the timid and the doubting will consent to tread, and yet such a road as may lead on in time to heights which seem as yet, to most men, unscalable.

The growing realization of what modern warfare means and involves has produced a very widespread longing to enthrone some arbiter between nations less uncertain, costly, and cruel, and a willingness to face the possibility of fundamental changes. Yet there is real danger that the end of the war may find the world unprovided with a practical plan to attain this end. Should this be the case, the forces hostile to change seem certain to carry the day, and a unique opportunity will be lost.

A further preliminary point deserves notice. It is clear that any plan has more chance of a fair trial if accepted voluntarily by all parties than if dictated by victor to vanquished. No nation is likely to work very loyally a scheme, be it never so excellent, which is presented to it on the swordpoint of its foe. A negotiated peace has some moral authority; a dictated peace has none.

## II. INADEQUATE REMEDIES.

Before outlining a scheme it may be well to consider certain specifics offered to us. The suggestion that the Central Powers should be held down and crippled for an indefinite period after the war by military and commercial methods, while Europe is shaped in accordance with the ideas of the Entente, need not detain us. It is quite incompatible with



the "equal level of opportunity and of independence as between small States and great States" required by Mr. Asquith, and would signalize, not the "repudiation of militarism" but its triumph.

Two other cures suggested stand on a different footing. They are (1) a just peace, and (2) a general reduction of armaments.

First, as to the terms of peace. There is no doubt that what may be called the "ordinary" conditions, territorial and otherwise, incorporated in the treaty, and still more the spirit which animates them, will be of immense importance. On them may depend the very possibility of inaugurating a better future. A peace based on nothing higher than the aggrandizement of the victors and the punishment of the vanquished would perpetuate an atmosphere most inimical to appeasement and international co-operation, while a treaty arranged on broad general principles—such as "government by consent" and "facilities for the commercial development of all nations"—would be of excellent augury. Again, the more problems of nationality and other burning questions are dealt with on equitable lines in the treaty, the greater the hope that any scheme to which a trial is given may find its feet without being put to too severe a test during the critical period which must follow such a cataclysm as the present. But the justest imaginable peace of the ordinary type—a much juster one than there is any reason to expect—cannot in the nature of things remain just for ever, since it ignores inevitable growth and change, and provides no machinery for the settlement of fresh difficulties as they arise. For this reason such a peace must fail to meet the case.

Great as are the difficulties involved in a drastic reduction of armaments, it is possible that the general financial exhaustion and war-weariness which will prevail at the close of the war may bring about such a result. Undoubtedly a substantial reduction

applying impartially to all nations would be highly beneficial, but it would provide no final solution of the problem—and might even produce a false sense of security—since it leaves untouched the causes which have produced great armaments, and which would reproduce them sooner or later. These causes are mainly three: the aggressive motive of ambition; the defensive motive of fear; and, thirdly, the wish to achieve changes and realize hopes—reasonable and desirable in themselves—which seem at present attainable only by war or the threat of war.

### III. THE FIRST STEP.

The only hopeful method of advance seems to be to follow the path whereby civilized nations have—without waiting for the Millennium—attained a degree of international order and justice, far from ideal indeed, yet in striking contrast to that rule of the “mailed fist” which still prevails between nations. In other words, *to extend to States the method of Legislature, law-court, and policeman, by setting up an internal authority to regulate their relations in accordance with rules of law and equity—which rules can be modified and adjusted by the said authority to meet changing circumstances—and to provide that authority with means to enforce its decisions.*

The first step required is the adoption of some plan such as that advocated by the American League to Enforce Peace. The essential principle of this and similar proposals is that *a League shall be formed, open to the voluntary adhesion of all civilized States, wherein “all shall guarantee each and each shall guarantee all,” at least to the extent of binding all the members to insist by every means in their power that no one of them shall go to war with, or take hostile action against, any other before referring the matter in dispute, if justiciable to a Judicial Tribunal for hearing and judgment, and if non-justiciable to a*

*Council of Conciliation for hearing and recommendation, and awaiting the judgment or recommendation.*

Perhaps this is as far as public opinion can be persuaded to go as yet, but it seems likely that such a League, once working with some measure of general acceptance, would decide ere long to guarantee the execution of the decisions of its law-court, and eventually to enforce, where needful in the general interest, the recommendations of its Council of Conciliation also. The League would probably think it desirable, too, to offer its protection to any member against an outside foe—always provided that the external enemy must not be attacked if willing to refer the quarrel to the Court or Council of the League and to accept the decision.

Before discussing the merits of the proposal the following points should be noted :—

1. The plan does not require the formation of a separate international force, but merely the use of the existing national armies for a common purpose.

2. An official explanation, issued on behalf of the American League, states that so long as the “acts of hostility” fell short of actual warfare, only economic pressure would be used by the League.

3. If public opinion is to have time to make itself felt, it must be arranged that no hostile action may be taken within a specified time—say three months—of the publication of the judgment or recommendation.

4. A permanent executive, to decide when an offence against the rules of the League had been committed and to take prompt action, would be necessary. It might consist of a special body of ambassadors of the constituent States, stationed perhaps at The Hague.

5. The plan provides a simple criterion of aggression—the refusal to submit the case or to await the decision.

6. The question of the basis of representation of

the different nations in the League must be decided at the outset. The precedent set by the Hague conferences, at which all sovereign States were placed on an equality, would seem quite unworkable, especially if the League is eventually to exercise legislative powers, for there is no likelihood that the larger States would accept any plan which did not reflect in some degree the comparative importance of different countries. The maintenance of the doctrine of State equality would also be fatal to the treatment of questions of nationality advocated on a later page.

It is absolutely essential that any nation wishing to join should be free to do so at any time. A policy of exclusion would destroy the whole value of the League, since it would convert it into an alliance of the old type, to which a rival alliance would be certain to arise.

It is most desirable that the adhesion of nations outside Europe and the United States should be encouraged, both because countries like China provide a fruitful field for European rivalries, and also in the interest of such countries themselves, since, owing to their military weakness, they stand in special need of international protection, and, were they excluded, their position, precarious enough already, would be rendered still more insecure, for they would lose such advantage as they now sometimes gain from playing off one would-be exploiter against another, and would be driven in despair to build up great armaments of their own—as, indeed, they already show signs of doing.

The prospect of starting the League under hopeful conditions would be improved could its establishment form part of—or, still better, a preliminary to—the detailed treaty of peace which ends the present conflict. For one thing the adhesion of the United States, which is almost essential, may quite possibly depend on the character of the settlement, and it

is unlikely that the territorial and other arrangements will be wholly just if left to the belligerents alone. It is evident, for instance, that an application of the principle of "government by consent" to Bohemia but not to Ireland, to Alsace but not to Finland, would go far to vitiate the settlement as a basis of future co-operation. But both sides might be willing to concede to a body composed largely of neutrals what *amour propre* would deny to "enemies." Even if it were considered impracticable to give the League a voice in the negotiations, a preliminary agreement to set up such a body within a fixed time might do much to improve the tone of the Peace Conference. But if the question of forming the League is unsettled when the treaty is made, it is likely that the wish for security will lead the victors to insist on territorial and commercial guarantees of a nature which will rouse deep resentment in the defeated countries, and produce a state of feeling so unfavourable to the launching of the project that it will be indefinitely postponed. Even if the intention of founding such a League is affirmed in the treaty, there is danger that it may be wrecked by an attempt to combine in the terms of peace the incompatible aims of revenge and co-operation.

#### IV. SOME OBJECTIONS CONSIDERED.

Among many criticisms of such a League as is here advocated, four merit special attention. It has been urged that the League—

- (a) would perpetuate war in a new form ;
- (b) would destroy the independence of sovereign States ;
- (c) would endanger the internal liberties of States ;
- (d) is altogether too negative, and lays undue stress on the mere prevention of war.

(a) The object of holding force in reserve is not to produce but to prevent violence, just as the primary purpose of the policeman is not to fight the burglar but to deter him from burgling. It should be remembered, too, that the League would have various non-military forms of pressure at its disposal. It might, for instance, forbid its members to supply munitions to, or raise loans on behalf of, a recalcitrant Power. It might even apply the full commercial boycott.<sup>1</sup> Again, the power to expel a disobedient member might prove a valuable deterrent if there were substantial privileges attaching to membership. If these means failed force would be used; but there is an essential difference between such force set in motion by a neutral and more or less impartial authority, according to fixed rules, for the sole purpose of bringing about or enforcing an equitable decision, and the same force when employed by a party to a dispute in his own interests and in his own fashion. But the decisive reason for retaining the sanction of force lies in the fact that there is no prospect whatever that any scheme which omits it will be taken seriously by the world of to-day. The average man never had much confidence in the efficiency of law unbacked by force, whether in the case of nations or of individuals, and recent experience of the treatment of "scraps of paper"—not by Germany alone—has further diminished that confidence. The choice therefore appears to lie between accepting this method, and prolonging the present chaos indefinitely.

(b) As to the matter of sovereignty. It is undeniable that a limitation of the liberty of the individual State is involved, just as a national law limits—actually or potentially—the liberty of the individual citizen, and the justification is the same in both

<sup>1</sup> The commercial boycott is, however, a weapon of very varying force as applied to different countries—and of very varying cost to the countries applying it.



cases—the general interest of the community. No progress is possible if each State insists on absolute independence, and refuses to acknowledge any obligation to the society of nations. And, after all, except in the case of a handful of Great Powers, where does the “independence of sovereign States” really exist to-day? Has Denmark, or Greece, or Afghanistan, or Persia, found it safe to disregard the wishes of more powerful nations? Will the general level of national liberty suffer when, in Penn’s words, “the great fish can no longer eat up the little ones”?

(c) The alleged danger to internal liberties. The career and collapse of the so-called “Holy Alliance” is often adduced as evidence of this danger. Without discussing whether the failure of this League was as complete as is commonly alleged, it may be pointed out that two of the rocks on which it struck—its worship of the *status quo*, and its disregard of the power and value of nationalism—are now plainly charted. It is true that the Holy Alliance eventually became an instrument for defending absolutism, but the forces of democracy, weak as they may still be, are at least stronger to-day than in the time of Metternich.

The difficulty of making any rigid distinction between external and internal matters must be admitted. It is clear that if the League ignores cases of gross oppression of racial minorities, for example, insurrection or the forcible interference of kindred nations may result. Such difficulties might be dealt with, without encouraging undue interference in a country’s domestic affairs, by making a pledge to grant certain minimum liberties to all races and creeds one of the conditions of membership of the League. Any flagrant breach of this pledge would give the League a right of action, whether by expelling the delinquent or otherwise. The ultimate ideal seems to be a world-wide organization for the

peaceful regulation of the common interests and mutual relations of the separate States, combined with the fullest possible local autonomy. It has been remarked that while for military purposes great States are desirable, all other considerations favour small ones. The latter, among other advantages, foster those feelings of individual responsibility and interest too often lost in a sense of helplessness among the citizens of a great centralized State.

But can it reasonably be maintained that the dangers to liberty, put at their highest, under such a scheme as we are considering, are comparable to those to which it will be exposed should no such plan come into operation? Are the centralization, the diplomatic secrecy, the conscript armies, and the colossal military expenditure inherent in the present system, conducive to democratic progress, and does not that system provide a fruitful soil for restrictions of all kinds, and for intolerance at home and abroad?

(d) Lastly, we have the complaint that the whole plan is too negative to be inspiring. This idea arises largely from a misconception of the proposals, for which the rather unfortunate title of the American organization—the “League to *Enforce Peace*”—is partly responsible. The misunderstanding has been aided by the fact that discussion of the plan has concentrated on the question of sanctions, with the result that the positive proposals have been overshadowed. These are, first, the Judicial Tribunal and the Council of Conciliation, whose judgments and recommendations if accepted should go far to remove all moral excuse for war, since few would assert that a war for any other purpose than to remedy or prevent an injustice is anything better than organized robbery and violence. Again, the Council of Conciliation should do much valuable constructive work by establishing precedents for the treatment of different classes of questions. But

there is another proposal of the American League which has attracted less attention than it deserves, namely that Conferences representing the nations in the League shall have the power (under stringent safeguards for the interest of each country concerned) to draw up, and to modify as circumstances may demand, a code of International Law which shall be binding on its law-court. This is a plan capable of wide development, and provides a germ from which in due time may spring that international Legislature without which the scheme will remain logically and practically incomplete.

It has been urged that everything possible should be done, by arranging mutual privileges limited to members of the League, to strengthen the positive inducements to join, and to increase the weight of the penalty of expulsion. This seems desirable, as it would render a resort to force less probable; but some caution may be advisable at first, as it is prudent, till confidence is established, to maintain the right of secession from the League unimpaired, and this can hardly be done if withdrawal involves heavy financial loss.

#### V. ADVANTAGES AND USES OF THE LEAGUE.

In addition to the main purposes aimed at in the formation of the League—namely increased security and the provision of a peaceful and equitable means of settling disputes and realizing aspirations—it would have several secondary but very real advantages. Among these are the following:—

1. By removing the main motives for great armaments the League would give free play to the economic pressure which makes in every country for their reduction.

2. Similarly it would much reduce the force of the motives, whether defensive or aggressive, which maintain rival and exclusive alliances.

3. It would provide machinery for the neutralization of States, of cosmopolitan cities such as Constantinople, of straits and other international waterways, and of outlets for the trade of inland States, under a strong guarantee that such neutrality would be respected.

4. By much increasing the risks attending a declaration of war, it would tend to remove one cause of war-fever—the expectation of easy victory.

5. During wars between individual nations (which would still be possible both outside the League and even within it so long as it was not bound to enforce its judgments and recommendations) the League could protect the interests of neutrals, and forbid various forms of “frightfulness,” while if the League itself went to war it would probably be able to avoid many of the horrors of modern warfare without great risk to the efficacy of its action.

In addition to the suggested pledge of minimum liberties for racial and religious minorities, the constitution of the League should guarantee “most favoured nation” treatment in tariff matters between all nations in the League, thereby preventing trade wars within its limits and also placing a small premium on membership. Pledges might also be incorporated from the beginning dealing with some of the following subjects. Where this was not done the proposed Conferences might, even at an early stage, endeavour to frame by agreement rules of International Law dealing with them :—

1. The establishment of the principle of the “Open Door,” by granting to all nations equal trading opportunities in all protectorates and non-self-governing colonies.

2. The arrangement of a system whereby Capital from all the leagued nations should have the right to share, according to an agreed ratio, in all “concessions” for the development of backward countries.

(Much, perhaps most, of the unrest of the ast

twenty years has been due to the wish to obtain or monopolize new markets for the goods of rival nations. Again, the hope that Governments would use diplomatic or even military pressure to obtain concessions for groups of financiers has been a powerful factor in the demand for large armaments, and has also led to an unnatural and dangerous organizing of financial interests on national lines.)

3. The protection of backward races, by such measures as the prohibition of the importation of firearms and intoxicants, the regulation—or even the abolition—of indentured labour, the suppression of slavery under its various specious disguises, etc. A League Consular Service might be an aid in attaining these objects.

4. The adoption of some general policy as to emigration.

5. The regulation of the manufacture of armaments on the basis that in peace time the work should be entirely in Government hands—since private armament firms are under a special temptation to foment national jealousies and suspicions.

6. The affirmation of the principle that no future transference of territory should take place without the consent of the inhabitants.

(Such a rule would strike a blow at the so-called “right of conquest”—and of re-conquest. It is unlikely that the nations would assent in the near future to the general application of its logical corollary, whereby a territory would be permitted to transfer its allegiance, or declare its independence, by the vote of its inhabitants.)

## VI. LINES OF DEVELOPMENT.

But all this is only a beginning. Let us consider the lines upon which such a League might be developed, premising, however, that detailed schemes of federation and international government are of little

value at this stage, except as material for thought and discussion; indeed, if they become shibboleths they may be actually harmful, since many problems will only be solved as they occur, and there may often be half-a-dozen ways of meeting a particular difficulty, any one of which would prove workable.

The great danger to be guarded against is the stereotyping, more or less complete, of a *status quo*. Any plan which tends to do this must break down sooner or later in so far as it fails to provide for the effecting of desirable changes by peaceful means, when natural growth and altered conditions demand them. It cannot be denied, for example, that treaties require frequent revision. This is so even where such treaties were originally regarded by all parties as satisfactory, and still more in the numerous cases where they have merely been accepted under pressure.<sup>1</sup>

The importance of this matter has been widely recognized, and it is not fully met by the proposed Council of Conciliation, even if that body obtains the valuable right to consider matters on its own initiative and not merely at the request of an aggrieved State. For if the Council is to deal effectively with specially dangerous questions, some means must be devised of basing international legislation on its recommendations. The germ of a Legislature exists in the Conferences described on pages 220 and 221, but such Conferences (and, to a less extent, the Council of Conciliation also, even though it consist, as it should, of men of wide and varied experience and proved ability) will inevitably be conservative bodies, inclined towards compromise and the minimum of change. If the class of ques-

<sup>1</sup> A Chinese friend of the writer's argues that his country had better keep clear of arbitration agreements with European nations, since by fighting she *may* get justice, while by the legal interpretation of a treaty—always obtained by force or fraud—she can never do so!



tions we are considering is to be treated freely and boldly, it will be needful to set up some permanent elected body representing not governments but peoples. The ultimate purpose would be to invest this body with power to frame statutes binding the constituent States. These statutes would often, but not necessarily always, be based on recommendations of the Council of Conciliation, and should be enacted by a majority vote—though not perhaps by a bare majority. It is morally certain, however, that the Great Powers will refuse for a long time to come to adopt this plan in its entirety, but they might agree to the establishment of an elected body without legislative powers, whose proposals would only come into force if ratified by a fixed and substantial majority of the nations in the League.<sup>1</sup> The next step might, perhaps, be to give to such proposals the force of law if they were confirmed by the majority of an "Upper House" composed of delegates nominated by the Governments in the League.

*Our final ideal would be a world-federation of autonomous nations. These nations would not possess separate armies and navies, and could not therefore forcibly molest one another. The supreme control of the Federation would be vested in an elected Legislature chosen on a population basis. Subordinate to this there would be four permanent bodies: (1) the Court of Justice, (2) the Council of Conciliation, (3) the Armed Force, ready at any moment, at the bidding of (4) the Executive Committee appointed by the Legislature, to enforce (a) the Judgments of the Court, (b) such recommendations of the Council as were endorsed by the Legislature, and (c) the system of International Law which the Legislature had built up.*

No one imagines that anything like this will be

<sup>1</sup> It is not of supreme importance how large a majority is required, provided the fetish of absolute unanimity is dethroned.

realized at once. Yet there are dangers in over-caution at least as great as those involved in bold action. Without taking risks nothing will be accomplished, and the whole scheme rests ultimately on the assumption that men are reasonable beings, and capable of responding to high ideals.

## VII. A NOTE ON NATIONALITY.

A very striking feature of European history during the past century has been the growth of national consciousness. The efforts which the spirit of nationality has made to embody itself in territorial changes have met with great, though far from complete, success, and the result has been a more natural and consequently a stabler grouping. But it is now coming to be recognized that, while justice demands for all conscious nations the fullest opportunity to work out their own destinies under their chosen institutions, this end is not best served by the indefinite multiplication of sovereign States, absolutely free from outside control or support, since such an arrangement increases the danger of quarrels, while providing no means for protecting the weak or restraining the aggressor. It is also clear that there are areas—as in Austria-Hungary and the Balkans—where races with differing traditions, customs, and ideals are so inextricably mixed that the plan cannot possibly be fully applied. It therefore seems better to proceed for the future, as far as practicable, on the lines of creating or enlarging federations of autonomous States.<sup>1</sup> Such groupings are free from the defects mentioned above, since (1) they make war—save by revolution—impossible over large areas, (2) they remove the temptation to aggression which small and isolated States present, (3) they provide an elastic system which, among other advantages, facilitates the protection

<sup>1</sup> Austria-Hungary is one obvious case for such treatment.

and just treatment of local minorities, and (4) they simplify the problem of ultimate world-federation.

In conclusion, we would ask one question of those who may be daunted by the magnitude of the proposals here outlined. What prospect is there of preventing, by any means less radical, the relapse into barbarism which threatens European civilization?

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[The nature of the subject almost precludes original treatment, and the writer is naturally indebted to many sources for the ideas here set forth. He is under very special obligations to the writings of Mr. H. N. Brailsford and Mr. J. A. Hobson.]



THE FOLLOWING ESSAY BY  
THE REV. R. V. HOLT, B.A., B.LITT.  
("WEST EUROPEAN")  
WAS AWARDED ONE OF THE SIX PRIZES OF  
10 GUINEAS IN DIVISION II





## By "WEST EUROPEAN"

MEN and women are sometimes ready to welcome results while they are not willing to take steps to attain them. They may fear to lose more by the means than they would gain by the end. But if the right means were found, their reluctance might vanish. On the other hand, they may not desire the results at all, in which case it is vain to seek for means of attaining them. Fortunately there is reason to believe, among the peoples of West Europe, and among the peoples outside Europe who share West European civilization, the results which go with the enthronement of the idea of public right as the governing idea of politics would be welcome. For behind this civilization lies the threefold influence of the Christian Ideal, Roman Law, and Greek thought. Militarism to-day, in West Europe at least, retains its hold, not by virtue of its own strength, but by the absence of any other system to take its place. These peoples accept a system which makes militarism possible, if not inevitable, but they are not militarists by conviction or inclination. They cannot see clearly any other way, and they are afraid to take the risks which any departure from the traditional system involves. They will not take a leap in the dark. But if they could see a way out of the present anarchy, and if that way would not involve dangers worse even than anarchy, there is reason to hope they would take it.

But these results can only be obtained by agreement on rules to govern the conduct of peoples and States, and by the creation of courts to apply them

and perhaps of sanctions to enforce them in particular cases.

Examine each of the desired results and this conclusion appears.

1 Militarism will not be repudiated until some other system is found to replace it—safeguards resting upon the common will of Europe. And these safeguards cannot exist until a system of law is established. For before the States of Europe and America can give safeguards, they must know what they are going to guarantee. Safeguards cannot be given against aggression and bad faith unless there is some recognized method of deciding who is the aggressor. To those privileged, the demand of others for equality often appears to be aggression, and this confuses those who look on. Nor can rules be made against international covetousness unless there is some way of distinguishing legitimate demands for opportunity of development from mere covetousness; nor against wanton recourse to the use of force unless there is some means of deciding when this is wanton. The independence of small States cannot be secure so long as it is uncertain whether other States would come to their rescue if attacked, and the other States could not guarantee to do this unless there was some clear way of deciding who was the aggressor and some other way of settling disputes. For though small States have little temptation to be provocative, they may sometimes trade upon that smallness; and the great States cannot be secure so long as Europe is grouped in several camps, each of which is a law unto itself. Even the gambler's chance of successful aggression must be removed, and that can only be done by pledging others to go to the rescue of the attacked. There can be no public right so long as one State is lawgiver, judge, and jury in its own cause, executes the judgment, and receives the estate. The repudiation of militarism is the repudiation of this principle.

Attention has been unduly concentrated on the machinery for applying principles of public right to particular cases and for enforcing a decision. These are indeed difficult questions, but more difficult is it to discover the principles to be applied and enforced by this machinery. Where the principle is clear and the point at issue is a definite one, of a kind that can be settled by judicial process, States have already shown their willingness to accept principles of public right. From 1822 to 1900 there were enacted 123 arbitration treaties, and since the beginning of this century as many more again. During the nineteenth century over two hundred arbitral awards were made and carried out. Can rules be agreed upon dealing with larger questions? This question goes deeper than the machinery for applying and enforcing the rules. Even if all the members of a Court were recognized to be men of an inhuman impartiality and heroic integrity, and no doubt existed that their decision would be enforced, many States would not agree to put their more vital disputes before them until they knew what principles the Court recognized. If the law is to inspire trust, the States must know, not merely that the law will be impartially applied and that it will be enforced, but that its application is desirable. Above all, peoples must know exactly what it is they have agreed upon. It is not probable that States would consent even to defer taking military action until an inquiry had been held, unless the principles were known on which the decision would be given. Otherwise the decision, even were it only advice, might prejudice the State if it decided not to accept it.

The reluctance to accept conciliation (as distinct from arbitration on a particular agreement) which the workers in many industries show, affords an instructive parallel to the difficulties which must be met before the idea of public right can become the governing idea of European politics. Trades

unions look with suspicion on such Courts, not because an impartial Tribunal cannot be constituted, still less from doubt whether the decision will be enforced, but because they cannot agree upon the principles to apply. Such Tribunals might merely maintain and stereotype existing real wages. If they did not, on what principle would they decide to change them? So, too, a system of international rules might try to maintain the *status quo*. And once it passed beyond this and allowed for change, it would have to interfere with what at present are regarded as the exclusive domestic concerns of different States. On what principles would it interfere? Reactionaries and reformers alike have found reason to be suspicious.

The first danger is the danger of maintaining the *status quo*.

This might be the direct aim of the rules—which would be a disaster whether it succeeded or failed—or it might be an unlooked for result. In either case it would ruin the attempt to create a system of public right. For if the absence of rules means suicide, rules which resulted in maintaining the *status quo* would mean stagnation, which is death in another form. And the failure would end in more hopeless anarchy.

Consider how difficult it is to obtain changes of law urgently needed and almost unanimously desired, or to obtain redress for injustice inside a country. How much more difficult might it be in an international system. Even at home, where the law is always being changed, and with comparative ease, the law lags behind recognized needs. This is, indeed, defensible, because the law commands assent by being representative and responsible. But international government could not be so directly responsible or so directly representative. The danger of stagnation is a real one.

A guarantee of the *status quo* is not desirable, nor

in the long run is it possible. Even a guarantee of independence could not take that form. The rules must allow for the changing needs of a developing world. To attempt anything else would be to consecrate a glaring defect of the past system which made no provision for changed conditions, except by ignoring treaties, and so deprived treaties of any particular importance. A guarantee against aggression which merely provided for the *status quo* would be inviting disaster. A country in which there was no provision for changing laws to meet changing conditions and changing desires would stagnate or be in continual revolt.

The great problems before Europe at the present are the problems of developing national consciousness and of economic development. Consider what would be the result of the attempt to make a guarantee of independence a guarantee of the *status quo*. Suppose, for instance, such an agreement had been made a century ago. If it had succeeded, it would have prevented the development of many groups of people which had not, at that time, developed a corporate consciousness. Where one of these groups was connected by language or in other ways with an independent or autonomous people across its border, it would not have succeeded. And if the friendless groups without relations in other States had been left without help, such a success would have been its worst criticism. Nor can it be argued that this problem will have been solved if the Allies' War Aims stated in the Note to President Wilson are attained. Unless these War Aims themselves are not to be exploited, some very clear rules will be needed. And there remain numerous groups of people at present not keenly conscious of their nationality, but which may some day become conscious of it.

And who can say what form the next development of Europe will take ?



Still less can the *status quo* be guaranteed in economic affairs. The States in the West whose national boundaries coincide more closely with their geographical boundaries might be willing to accept the territorial *status quo* as a guarantee of political independence. But they are not likely to undertake to maintain the economic *status quo*. Yet a State politically independent might be ruined or enslaved by changes in the economic policy of its neighbours. The Serbian "Pig War" is an illustration. And as population increases and industry grows, States cease to be self-supporting and the economic security becomes more vital. Yet such security will not be found by attempting to maintain the *status quo*, nor is it desirable that it should be.

But once the rules passed beyond the maintenance of the *status quo*, they would have to provide for changes in both these respects, and these are both affairs which, at present, States regard as their exclusive domestic concern. The rules, to be adequate, or indeed to be of any use at all, could not stop short at the frontiers of the different States.

Such proposals would be looked upon with suspicion, not only by big States but also by small ones, though these are most threatened by the anarchy of the present. For the more complete the system, the less chance of resistance would the small peoples have. Unless the rules agreed upon were good rules, their last state might be worse than the first. There is less hope of preserving independent personality under a powerful legalized tyranny than under anarchy. If the Holy Alliance had been united, how little freedom would Europe have won! The suspicion, therefore, cannot be lightly thrust aside. Real dangers to independence and free development threaten any system of international government.

To remove the dangers which give rise to these fears and suspicions, it is necessary to put forward



definite rules of action and to proceed step by step. Peoples and States must know to what they are committing themselves. The rule of law is, indeed, desirable, but not less desirable is it to know what is the law which is to rule. Before most States will be willing to agree to refer their more important disputes to conciliation, even though they do not bind themselves to accept the decision, they must have some idea of the principle on which the decision will be reached. Still more so if the decision in certain cases is to be enforced by the economic or military power of other States.

These rules should be as objective as possible. They should be capable of being tested in a definite way. For instance, peoples might agree not to declare war without awaiting a preliminary inquiry. The rights and wrongs of the particular case might be unclear for generations, and might prove to be very mixed when made clear, but the question whether an inquiry had been awaited could be decided at the very moment it was needed. The question here is a formal one. But it might not be impossible to frame rules not less objective, which would be capable of application to the concrete problems of developing national and economic life.

Such rules must not only be definite and objective, but also capable of development.

If rules of this kind could be discovered, there would be no need to take a leap in the dark. Peoples and States would know what they were letting themselves in for. They could weigh up advantages and disadvantages, and reckon whether their increased security did not amply compensate them for what they might have to surrender.

The discovery of such rules would serve a double purpose. Not only would they remove the objections to the adoption of a system, they would provide the material for the system.

Danger and suspicion would also be lessened by

creating this system in stages. Agreement both on the concrete problems and on the enforcement of the rules can be reached in stages.

It becomes more and more obvious that all turns on the question, Can rules be discovered, capable of definite statement and of objective application, which would command assent? The answer cannot be a simple "Yes" or "No." Though many questions are not yet ripe for agreement, there are others on which there is reasonable prospect of agreement. The answer obviously can only be given after examination of each concrete problem. The most urgent of these problems have arisen out of the development of national consciousness and economic development.

Both these problems have been created by the development of Europe. The conditions which resulted from and made possible the economic development—the building of roads and railways—brought people into closer contact, and perhaps brought them together before Europe was ready to deal with the new problems. For closer contact involved the use of a common language, and from the attempt of one group to impose its language upon another have come the worst evils. This closer contact coincided with, and perhaps helped to produce, that development of national self-consciousness which came upon Europe almost abruptly at the end of the eighteenth century. At present the evils of this sudden development are perhaps more obvious than the good, and are intensified by economic development. Yet, rightly guided, the economic development may help to make possible the solution of the national development. And both contain within themselves far-reaching possibilities, which, if wisely used, would end in a European co-partnership.

It is not the existence of groups of people with corporate consciousness which makes the problem of nationality. On the contrary, this corporate con-

sciousness gives an objective test by which the claims of States to include certain groups of people can be decided. Disputes about past history, natural frontiers, and about race and religion become unimportant. The wish of the peoples concerned as expressed by themselves must be accepted.

The problem is given by the mixture of these groups. Yet methods can be devised which will give one group opportunity for development of its own personality without putting another group at its mercy. Space permits only a bare outline of such methods.

1. The big groups would form the nucleus of autonomous States.

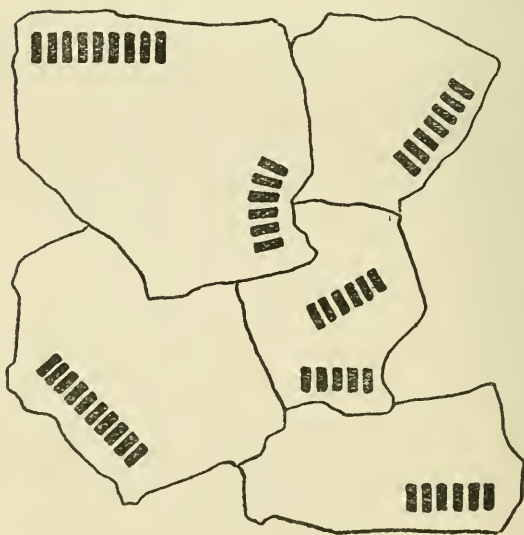
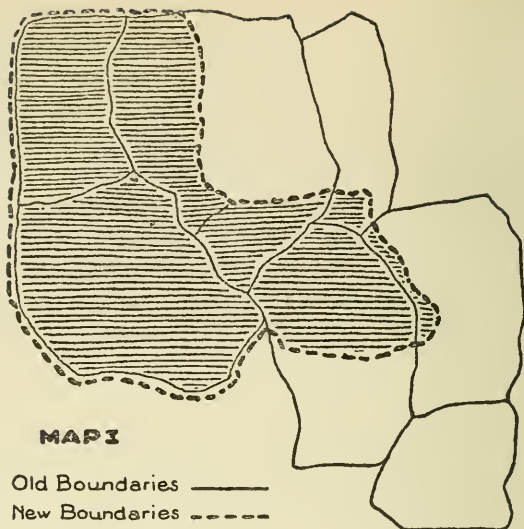
2. Each of these groups would have guaranteed right of access to the sea.

3. Where members of one group are contiguous to a group of its own kind, a rearrangement of boundaries would bring them together. Two sketch maps will make this clear. If they are distributed as in the first, a rearrangement of boundaries is possible. Such cases occur frequently in Austria-Hungary. If they are distributed as in the second, such a solution is not possible.

4. Those remaining could be separated for certain purposes, though not territorially separated. Each group could maintain and control its own schools.

5. But for many communal affairs, the groups could not be separated. There could not be two police forces in a village. But each group could choose its representatives separately, either by separate registers or by proportional representation. And this would remove the elections as well as the schools from national rivalry.

6. In some districts a regrouping of people might take place, as it has taken place in the Balkans. This would be well worth stimulating with money grants.



**MAP II**

7. Finally, the rights of minorities could be guaranteed.

If instead of exploiting difficulties in order to get the better of one another, a sincere attempt to do justice to all were made on these lines, it could not fail to secure recognition. Nor need the States which include many nationalities, such as Austria and Russia, fear the process. For these autonomous groups, once recognized as equal, would accept or seek the advantages of federation. And the principle of autonomy would only be applied when a group had become sufficiently conscious of its corporate existence to desire it.

The problems of economic development are at present the worst. And yet this development may provide the solution for many difficulties of national development. The economic development makes it possible for the same extent of territory to support more people, or, what would be more important in the future, to allow more highly developed life for the same numbers. That is, economic development makes it possible for a group to expand and develop without territorial expansion at all, without expanding at the expense of its neighbours.

Up to the present, however, this development has been the source of division rather than of harmony. As States cease to be self-supporting, other States have it in their power to cripple them by their economic policy. The result has been an intensified economic struggle for control of raw materials and of markets. The idea of public right will not become the governing idea of politics till nations are given economic security as well as political opportunity for economic development as well as for national development.

The problem seems at first too vast to be tackled. But analyse it into its constituent parts, and the problem splits up into many problems, related indeed, but capable of separate treatment and ripe for it.

Economic security and opportunity may be threatened (1) by the closing of trade routes, above all by closing access to the sea, (2) by loss of control over supplies of raw material, especially key products, (3) as well as by loss of control of markets. The States of Europe may not yet be ready to agree on common rules in the last case, but they may be ready to secure each other against the insecurity threatened by the first two causes. The great natural highways of the Rhine and the Danube are already free. The principle could be extended to man-made highways, especially railways. A neutral strip of railway could be created, or the use of main lines of railways passing through several States could be guaranteed. Again, States already agree on spheres of influence. Why should they not guarantee that every State have access to the products of all countries outside Europe over which they exercise control? The French are learning the short-sightedness of the attempt to exploit overseas possessions. British India is open to all nations equally. Why not guarantee to continue this condition?

There remains the threatened loss of markets inside Europe and America caused by changes of fiscal policy. The question of Free Trade or Protection by tariffs will soon be a burning question again. Is it too much to suggest that Free Traders will be compelled to defend their policy against the Protectionists with a more positive proposal, and to oppose to Protection by tariff, Protection by International Regulation of Conditions of Labour? These regulations would deal with hours of work, rates of wages, and with some of the results of Trust and Cartell agreements, such as dumping. This opens up a prospect that even here the States of Europe and America may be able to agree upon some common rules. Industrial problems are much the same the world over, and the existence of similar problems and of similar modes of life has already brought



together workers of different nations in many international organizations. The fact is that economic development has made nations more dependent on each other. In the past, from want of proper understanding, the economic development has often intensified the dangers latent in the national development, and the national development has intensified the dangers latent in the economic development. When properly understood, each will help to bring out the good in the other; and the result will be a great partnership of nations federated together in the joint pursuit of a clearer, fuller life.

If the complete system had to be adopted at once by all States, there might be little prospect of its establishment, even as an alternative to the present anarchy. But it is possible and desirable to proceed step by step. And a start can be made by a number of States. If the States which made the start were few in number, and included only the present Allies, a union for this purpose might degenerate into an alliance against others. To guard against this danger, it would be better for many States to agree to take the first steps than to exclude some by forcing the pace.

To proceed step by step is desirable, that the moral force of the peoples may be behind each advance. Each step when taken would have a greater chance of success with this weight of opinion behind it. The peoples could learn from the results of each step before proceeding on to the next; and we may be sure that as peoples came to see that one step involved another, the next would be taken.

But the general line of advance should be clear at the start, lest one step taken be of a kind which makes the next more difficult. And it is wise to keep in mind that there are times when a big step is easier than a small one. You can often jump over a chasm you could not walk over. One question in itself may be incapable of solution, but

combined with others, a solution may be found. For what one party loses on the one, it may gain on the other.

\ The States which were willing to make the idea of public right the governing idea of their relations would form a League of Nations.

At first members of the League might only agree among themselves not to resort to arms until an inquiry had been held into the causes of dispute. (The United Kingdom and the United States of America have already agreed to refer all disputes between them for investigation and report to a Permanent International Commission.) The members of the League would also agree to proceed to the help of any fellow-member which was attacked in violation of this agreement.

They might further agree, not only to await, but also to accept the decision in case of justiciable disputes, and to enforce this decision by economic boycott of an offender, or by military force, or in both ways. As a matter of fact such questions are now referred in large and rapidly increasing numbers to arbitration, and the decision accepted.

A big step forward would be taken when the members agreed also to accept the decision in larger questions which they have definitely recognized as semi-justiciable. These are the questions not yet capable of judicial decision, but to which can be applied the general rules on which members of the League have been able to agree.

One by one different questions would pass from one stage to another. The non-justiciable cases would become semi-justiciable. Out of the rules agreed upon and the decisions arrived at in semi-justiciable cases would, in course of time, be created a body of law.

The next question is the relation of members of the League to States outside it. They might agree to come to the help of any member attacked by any

Power which had not waited for an inquiry. The protection offered in this way would be a great attraction to other States to come in. If a sufficient number of States joined, a general reduction of armaments would be possible, since a State would not be entirely dependent on its own military power. The motives which lead to an increase of armaments would have been reversed. And the further the reduction of armaments proceeded, the more would fears and suspicions be reduced and the greater the success of the League. The first step would be the most difficult.

And not only in this way could membership of the League be made attractive. The other sanction of the League, the power of economic boycott, could also be reversed, and economic arrangements, as well as military, be used to make it more worth while for a State to be in the League than to remain outside. The importance of this power to attract as well as to coerce becomes clearer when the chief difficulty in the machinery of the League is considered.

The length of this essay does not permit detailed discussion of the machinery. Rules would be made and changed at a Conference of representatives of the States forming the League—a kind of Parliament.<sup>1</sup> The work of this Conference would be prepared for by a Permanent Secretariat, assisted by a kind of International Royal Commission of Experts appointed to consider particular questions. Disputes in justiciable cases would come before a Judicial Court of Arbitration. Disputes in semi-justiciable cases would come before a Court of Conciliation. Other questions would be referred to a Commission of Inquiry,

<sup>1</sup> But no rule and no treaty would be valid which had not been officially published. And every treaty should allow a party to it to denounce it after a fixed number of years and after giving a fixed number of years' notice. The assumption that treaties can bind for ever should be frankly dropped.

which might be the Court of Conciliation acting with less extensive powers and assisted by the Secretariat. The Secretariat, and through it the Conference, would in this way be kept in touch with the problems which were becoming acute, and would thus be stimulated to look ahead. An Executive of the League would be ready to act when it was necessary to help a member or proceed against an offender.

Each of these organs presents its own problem. But the fundamental problem is this, How far could and should the Conference bind the States which do not agree to a decision? If absolute unanimity were required, then obviously few decisions would ever be reached. Each Power, even the smallest, would in effect have a veto. There must be give and take. How can it be provided that the great States do not do all the taking and the small ones all the giving? Decisions would have to be by a majority, but by a large one. On what principle should the States be represented? If each State has the same number of votes, then a large number of small States working together might thwart the wishes of the larger ones; i.e. a few million peoples might thwart the decision of many millions. The number of votes would have to be proportionate to the self-governing population of the States. But it would not be necessary for them to send as many representatives as they had votes: that would make the Conference unwieldy. But if population be the basis, the big States would swamp the small ones.

On any system, some States would have to accept rules which they did not desire, or be shut out from the advantages which would accrue to membership of the League. There might come a time when, rather than agree, some States would prefer to give up these advantages. But it would be better to carry as many as possible as far as possible. Those

who wished to advance still further could make the necessary arrangements among themselves. The existence of the League would not prevent individual States continuing to make agreements with one another. Nay, such agreements would be facilitated by the existence of the machinery of the League for applying them.

Proposals such as these seem to many people too remote to work for. But the time is ripe. "If this war has accomplished nothing else for the benefit of the world, it has at least disclosed a great moral necessity, and set forward the thinking of the statesmen of the world by a whole age." Where the need is manifest, the desire widespread, and the thinking begun, the advance cannot be long delayed. Nations are learning the lesson, which individuals have had to learn, that they live their highest, not by selfish seeking of special advantages but by sharing a fuller life with all.





THE FOLLOWING ESSAY BY  
A. H. FORREST  
("EXCELSIOR")  
WAS AWARDED THE FIRST PRIZE OF  
25 GUINEAS IN DIVISION III

*We regret to report that Mr. A. H. Forrest,  
who joined the Army in 1917, has been killed  
in action.*



## By "EXCELSIOR "

"War is a game which, were their subjects wise, Kings would not play at."

POLITICS have been defined by one who knew as a "splendid jungle." The simile is arresting and suggestive, and forms a not unsuitable introduction to an inquiry like the present. For never has history furnished such a striking illustration of its truth as that presented by Europe to-day. Here, amid the boasted triumphs of our Western civilization, the instincts of the jungle have asserted themselves with a ruthlessness hitherto unknown, and with results unparalleled in the annals of mankind.

In the jungle, Might is the supreme arbiter. It will be the decisive factor in Europe now; and it will remain, in some form or other (for Might assumes many forms), the final appeal in disputes between men and between nations. This does not mean that man has not advanced beyond the morality of the jungle. It simply means that, in his advancement, he has been unable to devise a system whereby Might could be dislodged from its position of authority.

An exhaustive examination of the philosophy of Might is not within the scope of our present purpose, but it may be not inappropriate to indicate at least one of its practical results.

From an academic point of view, this philosophy is doubtless open to criticism; but criticism leaves its vitality unimpaired. Its strength is cosmic; and its principles must be accepted and applied in all the relations of life, if Right is at last to be

enthroned in power. For there can be no question that, from the jungle to the Senate-house, Might rules. It underlies all armaments; and it must be met on its own terms. The only way to discredit militarism as a policy is to destroy it as a power. God may, or may not, be on the side of the big battalions. Our business is to see to it that the big battalions are on the side of God. "Might is Right," say the adherents of this philosophy. Do you object to such a doctrine? Then you must be prepared to vindicate your objection by proving that "Right is Might." To defeat their ambition you must adopt their creed. As a matter of fact the age-long antagonism of Might and Right constitutes the essence of the moral problem; and civilization, in so far as it represents a definite moral advance, is simply the record of a process whereby Might and Right have been brought more and more into co-operation. Moreover, society will never be at peace until this co-operation is complete; until Might and Right are synonymous terms. And this consummation will only be reached when men arrive at some understanding by which their mutual rights can be defined and defended.

The first difficulty is the definition of "mutual rights." Not our theories of Might, but our theories of Right cause dissension; and, coming now to our subject proper, only when some approximation to unanimity upon international rights has been established, can any hope be entertained of permanent stability in international relations.

The purpose of this paper is to discuss briefly Mr. Asquith's conceptions of the principles inherent in the phrase "the idea of public right;" and to ascertain how far these conceptions meet the general requirements of the European situation. For convenience, the declarations which we have to consider may be divided into the following heads.

1. The Principle of Nationality.
2. The Rights of Nations.
3. A Federation of the Nations to secure these interests against wanton aggression, and to maintain the independence of each by the unity of all.

1. Nationality, like most other forms of human sentiment, is an historical phenomenon which defies complete analysis. It is vague in its origin, capricious in its development, and uncertain in its results. It displays different characteristics according to the environment in which it operates, and in harmony with the forces which inspire it. In one respect, however, it is everywhere the same. It responds always, though with varying intensity, to any circumstances which threaten, or appear to threaten, its independent existence. "Self-preservation is the first law of nature"; and there is nothing which consolidates the family, the community, or the nation like exposure to a common menace and suffering in a common cause. Hence most nations have been born in tribulation. They have been forged in the furnace of war. The important point, however, to be emphasized is that the principle of nationality cannot be crushed; is, indeed, only sustained and strengthened by oppression. And it must be respected, and permitted to achieve its legitimate development, if international concord is to prevail. National unity is an indispensable condition of international amity; and until the former becomes an accomplished fact, all attempts to establish the latter can only be regarded as interesting experiments in diplomacy—sometimes fortunate, sometimes fatal, always hazardous. The terms of the coming peace should contribute powerfully to the vindication of this principle in Europe, but complete emancipation will only be won by the exertions of the peoples themselves. Nations, like individuals, must work out their own salvation; and

only when the idea of public right becomes the governing principle in the conduct of home affairs, will it receive, in international relations, the respect and attention to which it is entitled.

2. Respect for the principle of nationality carries with it certain implications, foremost amongst which is the doctrine so deliberately attacked in the present conflict—the doctrine that nations have “rights” irrespective of their power to defend them. Bernhardt’s contention, that as the State is the supreme unit of power, so it is also the supreme judge of right, overlooks the fact that there is a moral law which has steadily grown more precise and more authoritative as man has risen in the scale of being—a law which knows no frontiers; which extends a common protection by imposing a common obligation; and which is gradually gathering to itself the united allegiance of mankind. To argue that because this allegiance is not complete, and does not express itself in any concrete organization, it is therefore vain and nugatory, is bad philosophy and worse history. For history makes it clear that no State, however powerful, can afford to ignore the abstract principles of justice. Against these the sword of the tyrant will ever be shivered in fragments. Of course, the absolute authority of any nation in the administration of its internal affairs is a “right” so seldom challenged, that it may be dismissed here without further notice. The real trouble arises when *international* “rights” conflict, and it is then that the legitimate claims of small nations are apt to be crowded out by the “necessities” of their more powerful rivals. To be sure, there is in existence a body of regulations to which the title “International Law” is given, and it is unquestionable that there has been an increasing tendency to adjust international differences, legal and otherwise, by arbitration. But it is impossible to deny the fact that the success



of these negotiations depended rather upon the pliancy of the international temper than upon the authority of International Law. Indeed, strictly speaking there is no such authority because there is no such Law. What goes under the name of International Law is really neither more nor less than a system of international etiquette, the rules of which may be respected but cannot be enforced. "The essence of a 'law,'" it has been said, "is, that it belongs to a system of rules which exists for the regulation of the rights and duties of members of a community." This describes, not the essence of law, but its form. The essence of law is power. Divorced from this element, law, international and otherwise, is, in the last resort, nothing more than a "scrap of paper." To provide this element will therefore be one of the most urgent, and may prove to be one of the most difficult, problems which confront European statesmanship. Federation is apparently the most feasible solution to this problem. But how is it to be realized?

3. The Federation of Europe is not a new idea, nor has it been altogether an unprofitable one, though its results hitherto have been disappointing. It is an idea which is being more widely and more earnestly canvassed to-day than perhaps ever before; and this tendency, whatever practical effect, if any, it may have upon international policy, should certainly be welcomed and encouraged, for its influence cannot fail to be beneficial. America, that land so fertile in expedients, has already furnished us with a Federation programme; and as this scheme has excited not a little attention, it deserves some consideration. Its proposals are summarized in the following rules of international conduct:—

(a) All justiciable questions arising between the signatory Powers, not settled by negotiation, shall, subject to the

limitations of treaties, be submitted to a Judicial Tribunal for hearing and judgment, both upon the merits and upon any issue as to its jurisdiction of the question.

(b) All other questions arising between the signatories, and not settled by negotiation, shall be submitted to a Council of Conciliation for hearing, consideration, and recommendation.

(c) The signatory Powers shall jointly use forthwith both their economic and military forces against any one of their number that goes to war, or commits acts of hostility against another of the signatories, before any question arising shall be submitted, as provided in the foregoing.

There are those who are disposed to extend the scope of this programme, and "would apply united action to enforce both the obligation to submit disputes and the obligation to accept the award," instead of "leaving it open to any Power to defy public opinion and refuse to carry out the award, if it dare."

It is very evident, and is indeed generally acknowledged even by the most incorrigible optimists, that these proposals are quite inadequate to abolish war, except on the assumption that the signatory Powers would act in concert when the occasion arose; a rather wild assumption, for it implies unanimity, a feature which, unfortunately, has never yet distinguished International Councils. In justice it must be admitted that the most the advocates of this scheme hope to gain by its adoption is delay—delay which, in many cases, may mean the difference between peace and war. But even this advantage is problematical; for rapidity of action, especially at the outset, is a considerable asset in modern warfare, and a nation possessed of superiority in this respect and bent upon an appeal to arms, is not likely to sacrifice its chances of victory to its scruples. In brief, the defects of this American scheme lie, not in its extremism, but in its moderation. It is weak, not because it goes so far, but because it does not go far enough. It fails to pro-

vide a common basis of interest between the nations, and therefore, so far as the abolition of war is concerned, it fails utterly. The whole problem ultimately narrows itself down to the question, Can a common basis of interest between nations be found? Or, in other words, is it possible for international ideals and aspirations to graft themselves upon some common national interest which will serve as a security against war? The answer to this question, if there be an answer, must be sought along democratic lines, for democracy is the one element which can hold nationalism and internationalism in solution.

This may seem a somewhat extravagant claim to make, but the war has helped to justify it, for it has driven its lesson deep into the hearts of the people. It has shattered the British theory of "splendid isolation." It has shattered the cheap war theory held in Germany. It has shattered the Monroe Doctrine. In short, it has descended upon a world of shams and shibboleths like an avalanche; cleared away a great deal of diplomatic rubbish that had obscured the international issue; and laid bare the foundations upon which a new and better order may be established.

Amid all the clamour of diverse national interests, this war has introduced a universal note of suffering. Through their common sacrifice and common sorrow, this war has brought all peoples of all nations face to face with their common responsibilities, and made it abundantly clear to them that their common interests are best served, not by war, but by common sense. Sectional interests may profit by war, but democratic interests, with which the highest ideals of humanity are identified, though they too may occasionally gain by war, are, on the whole, more vitally concerned in the preservation of peace.

If these points are conceded, as they surely must be, it becomes apparent that this war brings with

it a challenge and an opportunity: a challenge to democratic ideals of profound significance, and an opportunity to meet it of epochal importance. The challenge is military in form, and it must be met, in the first instance, by military means. In other words, the war must be prosecuted with undiminished vigour until the principles of democracy demonstrate their supremacy. But their victory will only be secure if it is confirmed by the terms of peace, and it is here where the opportunity lies. Never in history has there been a more momentous crisis than that which will follow the close of these hostilities. It will be the flood tide in the affairs of democracy, which, if neglected, may never return. A new generation, which is a stranger to the horrors of war, cannot appreciate to the same extent the urgency of the problem which now presses upon us. It is for *this* generation, which has endured the ordeal, to bequeath to posterity in some permanent form the fruits of its sacrifice. This demands rather more than a revision of the rules of international intercourse, such as is suggested in the American scheme. It demands a drastic reconstruction of the international system on a democratic basis, and that means, at the very least, the recognition of certain fundamental rights which may be summarized as follows:—

(a) A *democratic* peace settlement.

(b) The democratic control of international intelligence.

(c) The democratic control of foreign affairs.

(a) This is the first essential, and a necessary condition of all that follows. There is something decidedly incongruous in the idea of "public right" being treated as a private monopoly by a body of statesmen. It seems manifest that the essence of "*public* right" is publicity, and that until the public concerned has an opportunity of asserting itself effectively in the matter, "public right"

must remain, what it is at present, a diplomatic dream, or mayhap a diplomatic nightmare. "Public right" is an illusion unless it be sustained by public opinion; and to declare that any settlement which is concluded without the consent, and even without the knowledge, of the public, does or can embody "public right," is a transparent fallacy. But it is a fallacy that should not outlive the present struggle. This is no ordinary war, and it ought to be no ordinary peace. It *will* be no ordinary peace if the peoples of the belligerent countries are allowed a direct influence in the settlement. And they are entitled to such an influence, for they have borne the burden of the strife. It has been, as never before, a people's war. Let it be, as never before, a people's peace. Submit the terms of settlement agreed upon (in identical form, as far as the various languages will permit) to the public opinion of the countries concerned, for approval and ratification before they receive the official signatures in the treaty. In other words, let the statesmen who attend the Peace Conference be, what they claim to be, the representatives of their peoples and nothing more. Let them sink all petty prejudices, and all private political theories, in a united effort to establish the international system upon a just and permanent foundation.

It may be urged, of course, that public opinion is not sufficiently educated in these high matters to undertake the responsibility here proposed. But it is not suggested that public opinion should *discuss* the terms of settlement, or become involved in the interminable technicalities and complexities of the situation. These preliminaries may be left to the expert knowledge of the national representatives and their advisers, whose deliberations, it may be assumed, will be conducted with a due (or overdue) respect for the Tribunal before which their findings will be placed for final judgment. It will



be the duty of that Tribunal to decide upon the issues presented to it; issues clearly formulated after the most exhaustive consideration. About the equity of the verdict there need be no apprehension; for there is, amongst large masses of people, a fidelity to the fundamental principles of justice which gives to their decisions a moral authority which is ultimately irresistible.

The plan outlined above doubtless involves difficulties, but they are not insuperable difficulties; and they would be rendered quite negligible by a sincere desire on all sides to find a *modus vivendi*. It may be taken for granted that after this world-agony has passed this desire will be strong, and it will be universal, and will only require to be given a fair chance to effect its purpose. This plan may also involve delay, but that is no argument against it. The world, and particularly Europe, has awaited such an opportunity for centuries. It would be nothing short of a criminal act to nullify it by an unwise and unnecessary haste.

The advantages to be derived from such a settlement are plain. In the first place it would allow national aspirations to become, as far as possible, definite and articulate. Secondly, it would enable them to be, as far as possible, satisfied. And thirdly, it would be reinforced by international public opinion; and this in itself is a factor of sufficient importance to warrant the experiment.

As a precautionary measure it would seem advisable that the Conference should arrange for periodical sessions at convenient intervals, to revise the existing agreements. In a world of constant change no peace settlement, however equitable, can be permanent in all its details, and only by some method of connected and systematic review will the virtue and vitality of international relations be maintained. It would not, of course, be necessary to consult public opinion on these occasions



unless exceptional circumstances arose which, in the discretion of the Conference, rendered such a course desirable. Needless to say, all appeals to public opinion would require to be carried out by some international organization, to ensure the maximum of efficiency and accuracy.

While military operations are still in progress, it would be premature, though quite in accordance with political practice, to indulge in any speculations upon territorial readjustments. Enough for the present to say that the British attitude in this question must be determined by Imperial considerations. The loyalty of her Dominions and Dependencies in this war has given them an imperative claim to share in her councils. Britain, henceforth, must be an Empire in fact as well as in name, committed to an Imperial policy based on Imperial principles. She cannot afford to be less than that if she is to preserve her dignity and power, and continue to play her high part in international affairs.

Territorial matters apart, however, there are some reforms which must be incorporated in this settlement if it is to mark the inauguration of a new era. Foremost amongst these is the democratic control of international intelligence.

(b) Even those who insist most strongly that in this war "we are fighting the whole German people," admit that "the hatred of England has been sedulously and systematically inculcated among the people of all ranks." The real tragedy of war lies, not in its effects but in its causes; in the sinister influences which work in the dark, and work deliberately to sow distrust and suspicion among the nations. War is not, what it is sometimes represented as being, the international expression of an inexorable biological law. Whatever its diplomatic origin may be, war comes upon the people (on both sides) as an offence against their honour

which must be resented, or a threat against their liberties which must be resisted. But both sides cannot, with reason and sincerity, plead the same excuse, unless there be, as there nearly always is, a misunderstanding between them, which is too often fomented to actual hostility by the chauvinistic elements which obtain in all countries. In short, one of the most serious obstacles to lasting peace consists in the simple fact that, under the *régime* hitherto accepted, it is impossible for the peoples of different nationalities to become really acquainted with each other, or to arrive at a common understanding of the problems which concern them. And without a common understanding there must be a lack of that common sympathy which feels its way towards a solution, and an absence of that common action which secures it.

In the settlement before us a determined effort must be made to remove these disabilities by providing means whereby public opinion in all countries (not simply in European countries) could be kept fully and accurately informed upon affairs of mutual interest. This object could perhaps be best attained by the creation of an International Press Bureau, representative of the various interests in each of the States, and composed of men equipped with the necessary knowledge and experience, of trained and tried capacity, possessing the confidence of the people, and, last but not least, endowed with the "international mind" and inspired by international sympathies. This Bureau would, for preference, be elected periodically by the people, and be constantly in session. Its duties would consist mainly in collecting and verifying news items of international interest (in which functions it ought to receive invaluable assistance from the respective Governments) and, after discussion and criticism, publishing, as often as convenient, a digest of its labours in the form of a uniform and balanced review

of international politics. These publications would be treated as official and authentic records, and would provide a much-needed corrective to the unhealthy sensationalism which is so apt to poison purely national newspapers. They would, in fact, be International Blue Books, though issued in a more popular and accessible form, and embracing a wider field than ordinary Government documents; and being uniform in construction and free from national bias, they would offer a reliable foundation for the development of a sound and truly international public opinion. Obviously, of course, the whole success of such a scheme would depend upon the proper constitution of the Bureau, and upon the support which it received. But the same would be true of any progressive programme, and certainly such considerations should not be allowed to weigh unduly in the matter. Doubts and fears make poor counsellors, and have ever retarded the spirit of reform. Scorn all craven pessimism. Strive to internationalize the Truth; for the triumph of truth is the *alpha* and *omega* of freedom.

But public opinion must not only be sound. It must be politically effective; and to be so, it must exercise direct control upon the course of foreign affairs.

(c) This war, by its vastness and fury, by the circumstances which preceded it, and by the tremendous issues it has raised, has awakened, as never before, the international sense of the nations. It has proved beyond dispute the dominating importance of foreign affairs, and impressed upon us the fact that if we do not control them they will control us. And if Europe learns its lesson this war will mean, or ought to mean, the end of our present diplomatic system. It is perhaps neither possible nor desirable that the inmost secrets of foreign relations should be fully revealed. But the broad lines of policy should be clearly indicated,

there should be no secret clauses in treaties, and there should be no new engagements or obligations undertaken without an appeal to the peoples concerned. Secrecy in diplomacy, as in everything, breeds deception, and leads ultimately to disruption and disaster.

For us in Britain these changes would involve a complete transformation of our political organization. The foreign office could no longer be a mere appendage to our party system; nor could it continue to be under the almost exclusive personal control of a single statesman. It would require to be a sort of Imperial Cabinet, elected periodically by the suffrage of the Empire, each unit sending its own representative to Westminster. This body would furnish frequent reports upon international affairs, and would not commit the country to any important scheme without first taking the people into its confidence, and, if necessary, obtaining their definite sanction. Responsibility is, after all, the most efficient instructor, and public opinion would soon respond effectively to the trust reposed in it.

As regards the prevention of war, there is an alternative, or better still a supplement, to the somewhat dubious method of coercion. Why should there not be an international agreement between the *peoples* that they would refuse to fight until the ultimatum had been submitted to a national referendum; such referendum to be conducted under the auspices of a neutral organization, to avoid the possibility, or even the appearance, of political jugglery? Such a procedure would serve to keep energetic diplomacy from over-reaching itself, prohibit ultimatums with impossible time limits (there could even be a minimum period fixed) and ensure that if, despite all safeguards, war at last did come, it would then be the clear expression of the national will.

It is not unreasonable to suppose that under some such *régime* war would be found to have slain itself. Because, in the first place, those who wage war and suffer from its ravages are most interested in its prevention, and are not likely to imperil their lives and incur severe hardships without good and sufficient reasons. And secondly, public opinion has become too sensitive morally to sanction wanton aggression. That is why Governments are compelled to seek the support of their peoples by pleading a *defensive* or a *righteous* war; and under the system suggested, this support could only be obtained if the appeal corresponded with the facts. In short, the benefits derivable from peaceful co-operation would prove to be so substantial, that the tragic romance of war would no longer cast its glamour over the minds and hearts of men.

Considerations of space permit only the briefest reference to the economic aspect of the subject. Economic interdependence and economic rivalry are the two main centripetal and centrifugal forces which regulate international relations; but hitherto economic factors, especially with regard to undeveloped regions, have been largely centrifugal in their character, and have thus tended to war.

The remedy here, as in the other spheres, is democratic control, particularly in regard to the manufacture of war material. All human problems are fundamentally moral in their nature; and economics will be the last stronghold to surrender (if ever) to humanitarian ideals, for it is the citadel of self-interest. The present economic outlook is not reassuring, and strong State action will be necessary if grave complications are to be averted. Not only so, but only by some permanent system of State control, and even then imperfectly, can economic justice (without which there cannot be real peace) be established.

To sum up. The keyword of the future is Unity.

'Unity is strength. Unity is Might. And Might rules. But *will* people unite, even when their own interests most demand it? Is not the theme of this paper a Utopian dream? It may be so. It certainly would be so if everybody thought so. But surely it should be possible, at least, to unite sufficiently to prevent a repetition of this insane slaughter. Cynicism is always easy, and always cheap. Yet even from the cynical standpoint, it requires no very extravagant or exalted conception of human nature to believe that men love life and comfort better than death and misery; and that, if they but get the chance, they may at last contrive some arrangement to accommodate their quarrels, and still retain their liberty and honour, without the risk of being shot.

After this carnival of death has passed, international relations will become either immeasurably better or immeasurably worse. It has been the guiding principle of this essay that international relations *can* only become better if public opinion is educated and organized to discharge its full and proper functions in the work of reconstruction that lies before us.

One thing is certain. If we cannot organize for peace, we must organize for war. Between these two alternatives there is, and can be, no compromise; for any "Balance of Power" is almost certain to *overbalance* sometime, unless Britain keeps prepared. Mr. Asquith has stated that one of the principal aims of the settlement should be the repudiation of militarism. But what if this should prove impossible? We sometimes meet facts which cannot be evaded; which do not admit even of delay; which, if they be not dealt with promptly and vigorously, will deal relentlessly with us. Militarism is such a fact. And democracy is the only possible, if uncertain, remedy.

But democracy, like all other forms of govern-



ment, depends ultimately for its success upon the *character* of its leaders. The supreme need of these critical times is great leadership. God grant it may be supplied! Democracy is on its trial. And if it prove faithful to its high mission, it will find that in the vindication of the cause of Fraternity and Freedom it does not fight alone. For behind it and above it there will be not only a preponderance of enlightened opinion, but also the invisible and invincible might of those great cosmic forces which shape the course of destiny, and which we believe will bring us, through weariness and travail, to the land of Peace and Promise.



THE FOLLOWING ESSAY BY  
MISS K. M. WRIGHT  
("CRAYFISH")  
WAS AWARDED A SPECIAL PRIZE OF  
5 GUINEAS IN DIVISION III



## By "CRAYFISH"

IN embracing the national idea, Europe advanced another stage in its conception of one of the two distinctive principles of its civilization—Liberty. And the clearer European conception of liberty, the more legitimate, the more irresistible becomes the claim of inherent right. The second principle of European civilization being belief in Law, the aim has been to approximate to the rule of absolute justice; hence when an idea obtains moral recognition there is felt a characteristic need to develop it from abstract to actual. The national idea has now progressed so far in its moral appeal that men feel that the true and natural development of European civilization will be irrevocably perverted unless nationalism is made the governing idea of European politics.

During the last fifty years Europe has suffered from conspicuously over-developed nationalism in Germany, Russia, Austria, and Hungary. Abnormal sense of nationality has obscured the fundamental unity of Europe, these nations in particular having lost their sense of values. History proves that Western civilization has not evolved from a system of large and powerful States. If it were possible to blot out from past history Athens, Florence, Israel, Holland, and Elizabethan England, what would be the nature of European civilization to-day? It is impossible to say, but we realize the worth of small States' contributions in the development of Western civilization. In our own age we have common indebtedness to Denmark,

Norway, and Belgium. These past and present contributions are the free gifts of nations that have held or obtained their birthright: national individuality. And it is just because oppressed nations have yet brought their gifts towards the building of the temple of European civilization that we wonder of what greater riches from, say, Poland the world has been deprived. Consequently, those who estimate the future progress of European civilization by past development must place the true value on small free nations.

The basis of European international politics has been up to the present the doctrine of "Balance of Power." This establishes itself on Might. The hoped-for future basis of international relations—nationalism—rises from the firmer foundation of Right. It is the work of this generation to establish Right, in the place of Might, as the canon by which Western civilization shall achieve its appointed purpose.

The new order must be preceded by a resolute encounter with those things which by their very nature place the old order lower in the scale of human progress. The instrument by which the old *régime* expressed its affinity to Might must be deposed from its high seat. The strong arm in which Europe has put her trust—and with growing intensity during the last fifty years—is armaments.

The evils of excessive armaments are too generally realized to-day to need expatiation. The problem that presses immediately is the removing of this evil. The formation of a League of Nations is now regarded as one of the inevitable and beneficial outcomes of the Great War. Many schemes are being propounded for ensuring that this war shall be the last of its kind, and one and all arise out of the leading conception of a League of Nations. Arbitration is to supersede the appeal to arms; armaments are no longer to be aggressive and provo-



cative, but to be transformed in their purpose and exist as a kind of international police to deal with those recalcitrant members of the commonwealth of nations (aimed at) who degenerate and oppose the earlier dogma of Might to the dominion of Right.

This implies a code of International Law; and the demand for some sort of supra-national law is not new; it dates back in any coherency to the early seventeenth century. There are some who argue that International Law is useless because there is no higher authority to enforce it. This opinion is born of misconception of law; law is not law merely in proportion as it is not violated. The true law is a law whether obeyed or not. The function of law is to provide a measure whereby conduct may be judged legal or illegal. It follows logically, then, that a system of International Law is not valueless. The enforcing of any system of International Law is certainly the problem that has yet to be solved and that must be solved; but by the very existence of a measure of international relations any Power acting contrarily to that measure but strengthens the general conviction that strict observance must be assured by some means. Past history illustrates clearly that when what is called public opinion has appreciated a moral truth it proceeds, sooner or later, to embody it, or cause it to be embodied, in law or a line of action.

A League of Nations is, then, an inevitable outcome of acceptance of the national idea; internationalism growing out of nationalism strengthens and guarantees the existence of the latter. As Europe is now experiencing, nationalism has a fatal tendency to over-development, so that the corporate life of nations suffers inasmuch as some nations attempt to suppress the individuality of weaker nations. Internationalism stands to assure to all nations—the small as well as the powerful—the expression of their national genius, and

perpetually to remind European civilization that its vitality lies peculiarly in the variety of its national types on an underlying unity of moral, intellectual, and political ideas. The object of the League of Nations must be to secure this liberty and strengthen this unity. In other words, the European nations must supplement spontaneous trend towards unity—demonstrated by their common fundamental ideas and by history, rightly interpreted—by conscious effort expressed in permanent organizations.

Europe is not without a system of international law. It has been of gradual growth and not enacted of any legislative body, but is the result of widening moral conceptions. A wholly modern means of settling inter-State disputes—arbitration—has made rapid headway since Britain and the United States settled their boundary dispute in 1794 by arbitration. Between 1820 and 1840 eight international disputes were settled by arbitration, and during the decade that closed in 1900 settlement by arbitration was effected in as many as ninety disputes.

Arbitration is the basis of all schemes for forming an effective League of Nations. The chief difficulty lies in "non-justiciable" questions. The nations have set up a Hague Court for the arbitration of "justiciable" disputes, but questions affecting national honour, integrity, and security—"non-justiciable" disputes, that is—are beyond the offices of this Court. It is these considerations, to which nations are so susceptible, that most frequently give the world over into the hands of Mars.

But first, how exactly is the proposed League of Nations to be formed? Are all the nations to be forced into it? If not, what will be the position of a member who has a dispute with a nation voluntarily standing outside the League?

It is proposed that the League of Nations shall

employ either military measures or economic pressure, or both, against any member attacking another Power before the dispute provoking the attack has been submitted to arbitration. Submission to arbitration is to be enforced. It is not proposed, however, to enforce submission to the award of the Court of Arbitration. If the award is just and founded on morally undeniable principles, and yet the greater of the disputing Powers refuses to accept that award, are the remaining members of the League to stand aside while the weaker Power is crushed? If the League of Nations exists to assure liberty and security to small nations, it would not justify its existence by a *laissez-faire* attitude at such a juncture.

The difficulties in the way of the formation of an effective League of Nations are thus very real, but they are difficulties that Europe must face and surmount if her civilization is to proceed onward and upward.

In the reaction of peace negotiations the formation of a League of Nations may be regarded as predetermined. We need to bear in mind the (rightful) fate of the Holy Alliance of a hundred years ago; it should serve to warn us of the danger of the League falling apart if it is not constituted on a far-sighted basis. A League which places its faith too implicitly in police-court tactics invites shoals and breakers ahead. The first aim should be the promotion of goodwill and understanding. The smaller Powers must be persuaded of the improbability of their interests being swamped by those of the greater Powers, and assured that they will be allowed a proper hearing in the future deliberations of the League.

Part of the work of the reconstruction of Europe will be, as well as the effective extension of arbitration, the setting up of some Council of Conciliation whereby "non-justiciable" disputes may have the

wholesome light and air of public and impartial investigation. The construction of this Council will be of vital import. The members should be drawn from a wider circuit than the narrow one of diplomatists and legal experts. Men of eminence as possessing wide experience, impartial and humanitarian sympathies, and capable of a world rather than a solely national outlook, should be appointed to the Council of Conciliation. The appointment for a period of years, say three, of representatives trusted by their Governments and countries and given freedom to form independent judgment would probably give better ultimate results than the appointment of delegates for a particular purpose under constant instructions from their Governments. These desired results would be assisted by the co-operation between the Council of Conciliation and the International Economic Commission (referred to later) since economic considerations must weigh more than ever in international relations. The power of Haute Finance, weakened by the International Economic Commission, could be even more effectually dealt with by co-operation between these two international bodies.

While an understanding or engagement by the members of the League of Nations to use the Council of Conciliation is essential to its effective existence, more productive still of the spirit of peace will be a network of voluntarily entered into treaties among the nations on the lines of those signed in the autumn of 1914 between Britain and the United States and France and the same Power. These Powers have engaged to submit "non-justiciable" disputes to the consideration of an International Commission which shall make a report within a year and the presentation of which report shall be necessary before any declaration of hostilities. A ramification of similar treaties would do much towards cementing the League of Nations into a

world-wide indissoluble society. Furthermore, such treaties would eliminate the baleful practice of proclaiming impossible time-limits, and do more to reducing armaments than any attempted more direct methods.

One basis on which the League of Nations should secure itself is the revision of treaties. It is because treaties have been regarded hitherto as permanent that they have had to face altered circumstances to the accompaniment of war. Certain treaties by their very subject necessitate periodic revision. Revision of treaties should become a principle of inter-State relations.

When we approach the subject of armaments we find unity of opinion that there must be reduction of armaments but no sound proposals for effecting this. Who is to decide what shall be the maximum naval and military strength of every Power? The Hague Conventions of 1899 and 1907 failed completely to pave the way to even mutual search for some means of stopping the mad race in armaments. The question was too delicate for the handling of diplomats. The task is one for democracy, which has also to overthrow Haute Finance; in attacking one, Democracy will strike at the other. We believe that the future will show that the burden of armaments was struck from Europe's back in this Calvary of her civilization. The New Europe will not be constructed at a lightning stroke in the peace negotiations; it will be the slow and steady work of the democracies.

All the same, the peace negotiations lie first in the new and difficult path Europe has to tread. We have to save our civilization. The battle of Marathon was not a greater crisis in Western civilization than will be the result of the present conflict. It is a *combat à outrance* between two ideas. The one is destructive of our civilization; the other will carry it farther along the upward road. This



latter idea will triumph—even among those whom we now fight as the enemies of civilization. All history proves the invincibility of a righteous idea ; victory is certain, though it may be delayed, and gained only by pouring out of blood.

It is precisely on account of the significance of this the present world crisis, that the peace negotiations should be conducted by belligerents in company with neutrals. America, though proud hitherto to consider herself separate from all European quarrels, is a member of Western civilization, and its continuance is of as vital import to her as to European nations.

The work of the Peace Congress will be to make a juster settlement than that framed by the Congress of Vienna. The small nations will have to be guaranteed their independent existence and free development. The Poles, Alsace-Lorrainers, Czechs and Slovaks, Croats and Serbs, Rumanians and Ruthenes—all these peoples under distasteful Governments await the final breaking of their shackles. The aroused condition of public opinion assures that this will be done. They will obtain their freedom either by autonomy, or complete independence, or union with adjoining kindred nationalities which have won independence—by the arrangement most in accord (we will hope) with their expressed wish and tending most quickly to promote full and free development.

After the readjustment of frontiers to racial boundaries, part of the most important work of the Congress will be the practical extension of the principle of neutralization either by neutralizing whole States or specified zones. It would promote peace to have a neutral Poland as a buffer between Russia and Germany. In the West a new independent State—Alsace-Lorraine—would be the fulfilment of the old desire for a Middle Kingdom. A neutral belt, comprised of Belgium, Luxemburg, Alsace-



Lorraine, and Switzerland, would be a strange and hopeful spectacle for the nations. A powerful cause of ill-feeling between France and Germany would be removed, and each to the other, seen across this neutral belt, would appear less aggressive. At the same time, the nationalities of Alsace-Lorraine should find satisfaction in their new liberty, and work for the happy blending of French and German elements. Belief in the inviolability of neutrality has received a rude shock, and it would seem that guarantees are useless where a Power sets itself out to attain an end at any cost. The efforts of the League of Nations to maintain neutrality inviolate will depend largely for their success on the quickened spirit of the nations. All restraining policy will prove of little avail without this quickening spirit which is to give birth to the New Europe.

More is required than giving independence or autonomy to small nations. The overwhelming need of all modern industrial and agrarian States is free access to the coast. Without a port the development of a State is retarded and may be throttled by the repressive economic or other action of a neighbouring unsympathetic, if not actually hostile, powerful State. No State should be robbed of access to its "natural" port. Notably, Trieste is an essential port to Austria, as is Fiume to Hungary and Bohemia, while the Serbo-Croats claim them as their "natural" ports. These irresistible but conflicting claims will be best settled by making Trieste and Fiume free ports. Salonika is a natural port for Serbia—especially as she has been prevented from obtaining access to the Adriatic; and Serbia already has a zone of her own free from Greek customs. Kavala is Bulgaria's natural port. In the north Dantzic is Poland's former and natural port. The best solution where there is difference of nationality between the inhabitants of the coast

and the hinterland to which the port is yet the natural outlet is to make the port free.

Promotion of permanent peace would be still further advanced were the Panama and Kiel Canals placed on the same basis of free use as the Suez Canal. The proposal put forward that Denmark's frontier should be extended southwards to the Kiel Canal, while a violation of racial boundary, would embarrass Denmark and certainly not promote peace. The Dardanelles as the natural means of egress for Rumania and Russia should be always open, not subject to closing at will or whim by the Power sitting at Constantinople. The value to the world of the Dardanelles, the Panama, and Kiel Canals is superior to the right of any one Power (even though that Power cut the Canal) to exercise autocratic control. By the light of the higher conception of Western civilization each works for all, and the Powers that cut the Panama and Kiel Canals deserve their full meed of praise, but their service is to the world, not merely to themselves.

While the Hague Court of Arbitration and Council of Conciliation will play their part in the promotion of permanent world peace, there are yet other directions wherein international relations may be shaped to this end. There is a fundamental truth that both Governments and peoples of Western civilization have yet more thoroughly to realize and act on: it is, that their very position as advanced races entails the civilizing of the backward peoples of the human race, not the creation of mighty Empires comprising one ruling and a number of subject races. Humanity and the brotherhood of man take precedence of any single State or people. The undeniable duty of the civilized races is the aiding of backward races to develop their own individualities and rise to the height of civilization wherein they themselves will be able to maintain the elements of law, order, and education which are the founda-

tions of civilization. The backward peoples must be assisted in the development of a capacity to maintain a civilized Government for themselves.

This conception by Western civilization of its world-mission will purify and uplift European colonial policy. In the rapid growth of the economic unification of the world during the last century and a half the pivot of European international relations has shifted to outside Europe. The rush for colonial empires was at its height in the nineteenth century and economic development became the loadstar of European nations. This expansion of highly civilized industrial States was inevitable and natural because their further economic growth depended on control of the world's raw materials and natural resources. States naturally aimed at securing control in those parts of the world where were the raw materials and natural resources most necessary to their particular economic and industrial development.

The inevitable results of commercial dealings between advanced and backward peoples is that the former is compelled to establish a Government strong enough to protect its own nationals and liberal enough to protect the native race from flagrant exploitation by the traders of the advanced race. This is essential to the fullest development of trade, also to the irresistible claims of humanity of the backward race. The evil has been that the advanced races have not sufficiently realized that the economic unification of the world and the possession of a high civilization are not solely for their enjoyment. The advanced races have no real rights of possession; they are but trustees and should govern "dependencies" in the interests of the native races and not primarily in their own interests as intervening Powers.

The canker in the process of economic unification of the world has been capitalist rivalry, whether

by so-called English, German, or other national monopolies or antagonistic combines in different countries—all, indeed, that is understood by Haute Finance. Since wealth is power, the accumulated resources of great financiers have at times even more than an influence over Governments: they have a “pull,” and the capitalists are powerful enough to secure support, or at any rate connivance, from their Governments in gaining concessions from a weak or corrupt Government.

The present “concessions” system will have to go in the light of a higher conception of relations between advanced and backward peoples. The advanced races will have to carry on economic exploitation in a spirit, not of rivalry but of co-operation. The trusteeship may well be held by that State to whom the natural resources or special products of the territory are economically most important or by whom the development (railways, etc.) may be most easily carried out. But friction leading to rivalry and later to actual national antagonisms should be obviated by general application of the “Open Door” policy.

The “Open Door” is a positive construction of the principle of equality of opportunity, which is the basis of the economic unification of the world, binding its peoples more closely together in unity of interests and activities.

The “Open Door” policy should mean freedom of access for traders and goods of all nations to all trade routes; equal admission to markets and other trading facilities; equal opportunities for investment of capital in every form of business enterprise; and full legal protection of all property for members of all nations.

An International Economic Commission would be the instrument to secure this policy. It would act as a check on trade, industrial, and financial combines, exercising control over certain international

economic forces. It would decide if restrictions or a tariff were necessary and, if so, be the authority to institute them. This would militate—as the tariffs would be “uniform”—against any attempt to create preserves for the ruling Powers. To prevent the evil of capitalist control of even an International Economic Commission Labour’s interests would need to be directly represented. The whole subject of an International Economic Commission is fascinating and easily leads into discussion of its ultimate scope and powers, but there is not room in this paper.

The “Open Door” policy would have a further beneficial effect in removing the desire and occasion for secret treaties and secret clauses, of the evil effects of which Morocco is a well-known, recent, and important example. This opens the whole question of diplomacy. Secret diplomacy and secret treaties have led Europe many times into war, but the peoples have awakened to the catastrophes into which these things, hitherto outside their sphere and, it must be confessed, interest, have plunged them, and it is unlikely that diplomacy will ever again be permitted to wrap itself round in its old cloak.

One contemplates publicity in the future in international relations in ways and on a scale not hitherto dreamed of, and the nearer we approach to the commonwealth of nations the greater will be the publicity in international relations. Before one’s mind there floats such a change in the spirit of diplomacy as the deposit at The Hague of copies of all treaties, and even more unthinkable but a few years ago, issue from The Hague of authoritative reports of diplomatic correspondence and the text of treaties for world-perusal. It is the realization of such visionary dreams, as they would have been called three years ago, that will hasten the drawing together of nations into that commonwealth wherein



they shall best attain to the free, full life at which man aims.

This paper will have failed in its object if it has not made clear that the great change needed to hasten the dawn of the Commonwealth of Nations is primarily one of spirit. The old ideas have to be superseded by wider, more humane, less selfish ideas. The self-seeking and self-interest of nations is but the expression on a larger scale of the self-seeking and self-interest of the individual members of the nations. In the words of Bishop Gore, "Nothing can save civilization except a new spirit in the nations."

It is to democracy that the great and eager spirits of to-day look for the eventual healing of the nations. But democracy must awake to its responsibilities and rise to them. The future progress of democracy is so important a subject that it is impossible to do more here than indicate the lines it will take.

First and foremost, it has to create a world-vision, which is possible only in the truly "international" mind. It must comprehend the peculiar nature of Western civilization and recognize the compatibility of nationalism with internationalism, that, indeed, human progress is furthered by fostering national types.

It must secure the education for which it is even now more intelligently striving; not solely the training which will enable men and women to enter the labour markets of the world better equipped to win the wherewithal of a free, untrammelled life. More is required than a raised standard of living. Without intellectual elasticity, vigour, and freshness, a raised standard of living will simply lead to democracy's degeneration. General liberal education—*litteræ humaniores*—is a factor in the fulfilment of democracy's destiny. Incidentally, one might refer to the beneficial results of institution on a large scale of travelling scholarships and



other means by which international intercourse and understanding may be attained.

To Labour will fall an important part in the evolution of the new Europe, the new world. In adjusting its relations with capitalism it must guard against falling into vices of tyranny as bad as those of which capitalism has been guilty. It must work for freedom of trade whereby world-unity will more quickly come within realization. Aggressive tariffs must be as a dragon to be slain, as must be the pronounced effort to institute a "trade war" after the military conflict. It is not by the spirit that animated the Economic Conference of Paris that the Commonwealth of Nations will be inaugurated. One takes hope in the foreknowledge that the force of circumstances will make short work of that Conference and any other that may be set up by the Central Powers. Economic laws and forces are stronger than misguided policy. It is inevitable that we shall return to commercial and political intercourse with Germany. But both these are far removed from the intimate fellowship of mind and spirit arising from community of intellectual, moral, and social ideas. The re-establishing of herself as one of this fellowship is Germany's own task; she must work out her own salvation.

To be brief, Labour has to prepare and make itself worthy to take its share in the world-councils, in international congresses, which, we may be sure, will in future be the direct concern of both Governments and peoples. Labour must widen the basis of her cosmopolitanism; vast single international interests must not absorb her energies. All the constituents of the world-civilization we have to build up must pass continually before her awakened understanding.

So important is the task of democracy that one may preclude the vision as seen by Romain Rolland by Mazzini's noteworthy warning.

Says the great Italian :—

“ Democracy, informed and enlightened by these ideas (education, the fatherland, liberty, association, the family, property, religion), must abandon the path of negations : useful and opportune so long as the duty before us was that of breaking asunder the chains that bound mankind to the past, useless and barren now that our task is the conquest of the future. If it do not forsake this path, it can but doom itself to perish—as all mere reactions must perish—in anarchy and impotence.”

But democracy will not perish in anarchy and impotence, for it is going onward in the purified and ennobled spirit of which Romain Rolland writes thus :—

“ For the finer spirits of Europe there are two dwelling-places : our earthly fatherland, and that other, the City of God. Of the one we are the guests, of the other the builders. To the one let us give our lives and our faithful hearts ; but neither family, friend, nor fatherland, nor aught that we love has power over the spirit which is the light. It is our duty to rise above tempests and thrust aside the clouds which threaten to obscure it ; to build higher and stronger, dominating injustice and hatred of nations, the walls of that city wherein the souls of the whole world may assemble.”

THE FOLLOWING ESSAY BY  
F. B. SIMPSON  
("CYM")  
WAS AWARDED ONE OF THE PRIZES OF  
5 GUINEAS IN DIVISION III



## By "CYM"

"The greatest triumph of our time will be the enthronement of the idea of Public Right as the governing idea of European politics."—W. E. GLADSTONE, 1870.

"The substitution for force, for the clash of competing ambition, for groupings and alliances and a precarious equipoise—the substitution for all these things of a real European partnership based on the recognition of equal rights and established and enforced by the common will."—H. H. ASQUITH, 1914.

THE noble declaration by Mr. Gladstone and the equally lofty, but more detailed, utterance of Mr. Asquith undoubtedly suggest a possible escape from future international conflicts similar to that raging to-day.

The sentiments expressed appear to meet with unanimous approval. At any rate, the principle affirmed meets with no serious challenge; and were it not for the fact that we are actually embroiled in the greatest war in history, it would be difficult to believe that in the twentieth century so common-sense a proposition should require re-stating. In this seeming paradox, however, there lies a source of hope and sign of difficulty: hope, because there is apparently a willingness to adopt a right attitude, difficulty, because so gross an inconsistency cannot admit of a very simple solution.

There is a sequence, also, in the two statements quoted at the head of this paper. Mr. Gladstone, it will be noticed, was appealing for the acceptance of an idea, while Mr. Asquith goes further and suggests a means of making it operative.

At the present time schemes for International Councils, Leagues of Peace, and so on, are springing up daily, all beautifully complete and claiming more or less convincingly to be remedies against resort to force. Admirable, and even essential, as many of these schemes may be in any effort to translate the idea of public right into practice, yet, before any international machinery can work with any likelihood of success, we must first endeavour to understand the international mind.

Appreciation of the past is necessary to any attempt to legislate for posterity, and an analysis of the causes of previous wars essential to any well-grounded action towards securing international peace. Particularly is this necessary in regard to the present war, as it is nearest to us in point of time and the social consciousness changes.

Not only are there historical and economic factors, but psychological and philosophical aspects of no mean importance, to be considered, although apparently remote from the immediate problem in hand. I shall deal with the least direct factors first and endeavour to point out the more obvious difficulties and dangers afterwards, concluding with an outline of a structure calculated to serve as a bridge at least between our present lamentable chaos and a saner and more staple international relationship.

The shortest view of the present war would look for a cause beyond the murder at Sarajevo. There was the cause behind the crime, the reason the dispute extended and the explanation why the peoples of Europe rushed to arms.

The dispute might have been dealt with or the flame of war confined to the immediate nations concerned; or had the conflagration extended, the outer atmosphere might have damped the fire down, or reduced the trouble to a negotiable state. Unfortunately, however, the larger mind was sufficiently inflammatory also to become ignited. Just



as it is true that, as originally stated, the pronouncements in favour of some form of international "partnership" find general acceptance, in a similar vague and often inarticulate way the masses in the belligerent countries were opposed to war and the arbitrament of the sword. So far is such the case that the Governments in each country make their appeals as consistent as possible with such outlook, whatever their actual motive may be. To quote President Wilson: "The statesmen of both groups of nations now arrayed against each other have said, in terms that could not be misinterpreted, that it was no part of the purpose they had in mind to crush their antagonists."

On the surface, therefore, it is difficult to see how, with such a desire abroad, the peoples should allow themselves to be precipitated into such a conflict. The explanation is that the feelings in favour of peace were of too weakly negative a kind, and that in Germany particularly there were other positive influences at work, not so much avowedly pro-war, but more sinister in nature as they created an opinion, ready prey for the confessed militarist party.

All the *Deutsche über Alles* propaganda, the Will to Power philosophies with military colouring, and the exaggerated ideas of Pan-Germanism so systematically and fervently preached, recruited vigorous disciples and a body of quick and living opinion. "All the philosophical ideas," M. Emile Hovelague writes in *The Deeper Causes of the War*, "are not present in every German brain under the metaphysical aspect, but none have remained inactive, for all are symptoms of a profound though latent mental condition whose action is widespread and various. These philosophical formule merely express in a condensed shape, in abstract words, subtle tendencies and vital forces which emerge in impulses and acts as effectually as in systems and abstractions. They are an efflorescence of

the living energies of the race, a fateful manifestation of its being; they were first results and intimations and are now causes." The state of mind, therefore, is a consideration of primary importance, as it is evident that any attempt to build with pacific ideas upon such a foundation is gravely endangered in the absence of a changed mentality, and certainly doomed if the consideration is overlooked.

There is one compensation in this fact, however, and that is, it removes one objection raised, that any permanent peace is impossible because some nations are racially incapable of the change. As Mr. J. M. Robertson says in *War and Civilization*: "The one element of psychic fact . . . is the truth that predominant national states of mind are generated by institutions, by propaganda, by literature, and by recent national experience . . . Race, then, has nothing to do with the latter-day German mood, since the race remains the same." There is no reason why the militarist party should monopolize the theory of the Will to Power. Why cannot we change its direction and manifestation and make it a power for peace? Certain it is that before any substantial progress can be made towards the aim we have in view, its policy must become a ceaseless and spirited propaganda.

In short, the right atmosphere must be created, the right attitude secured, and the impulses towards war driven out by the impulses towards peace.

There are now to be considered several matters more closely relating to the subject, in regard to which large volumes of ill-informed opinion exist. The first is the opinion that war pays the winner materially. The idea is, of course, passive in times of peace, otherwise it should express itself in some definite aggressive fashion. It is when war threatens that this fact becomes a menace, for just when public opinion should be sane and strong, here is a

body of opinion easily captured by any pro-war cry stirring this slumbering fallacy.

The terms "winners" and "losers" carry, with these people, the same significance in regard to modern war as with ordinary contests or competitions. This failure to realize the impossibility of converting these terms into their common meaning, in so far as they affect the relationships between complex and highly developed civilized nations, also accounts for the current notions of crushing the enemy beyond the possibility of recovery.

Indemnities, annexation of territory, are loudly proclaimed possibilities in the direction of gain, and, served up by the Press in popular style, these things establish themselves as examples of the spoils of war, and confirm the theory referred to. Speaking in London in January last, the Master of Balliol said: "It was not France who was defeated in 1870; the real blow fell upon the soul and mind of Germany. Over a hundred years ago Napoleon apparently annihilated Prussia, but Prussia lived to-day" . . . and a word of warning . . . "we should not be victors in the wider sense if the unblushing arrogance sometimes displayed by victors were to assail this country."

So far back as the publication of *The Expansion of England*, Professor Seeley wrote: "Now it is essentially barbaric that one community should be treated as the property of another. . . . Even where such relationship rests avowedly on conquest, it is too immoral to last long except in a barbarous state of manners."

The value of indemnities is now seriously disputed, and the rapid economic recovery of France after 1870 is an historical fact. Talk of "knock-out" blows, captured trade, and converted territory may stimulate a people in the prosecution of a war, but cannot be accepted as valid evidence for dispassionate judgments.

So much for general difficulties. We must now fix on specific factors which have been the most prolific of the more immediate causes of war and endeavour to enunciate what we might call the first principles of peace.

The least fundamentally important, is the ousting of the militarist caste. Undoubtedly, while the Army and Navy loom as large in national life and remain so honoured and important professions, there is a permanent interest centred in the business of war and a spirit engendered inimical to any effort to establish a more enlightened means of national representation. When we can locate and control the causes which lead to international strife, and remove the sense of fear which now prompts the upkeep of these onerous establishments, their *raison d'être* will disappear, and in proportion to the security felt they could be dispensed with.

The next and more important factor is the trade in armaments. It is an abominable thing that there should be widely extended and deeply entrenched influence directly interested financially in the manufacture of armaments and war supplies. How absolutely cynical and callous commercialism can become, needs no emphasis; and it is surely past time that the relationships of nations and the sacredness of human life should be jeopardized by the possibilities of corruption and evil influence in such an industry. The following outspoken comment by Sir Harry Johnston in his *Common Sense in Foreign Policy* may be cited as an illustration: "Just as in the last quarter of the nineteenth century the French flag too often covered an unblushing slave traffic . . . so it is too often Arab and Indian sailing vessels (protected from search by hoisting the French Ensign) which carried rifles and ammunition. . . . We need not affect to be very shocked at this enormity, this treachery between white nations, for the other purveyors

of rifles . . . are probably English firms. It is time the nations of Europe made common cause against barbarism and ceased to make sneaking profits out of each other's difficulties." In the foregoing and many other instances it can be demonstrated that this enormous vested interest in war is a standing menace to peace. We must move, then, towards the general reduction in armaments and national control over their production and distribution.

The next essential is democratic control of foreign policy. The rights of the Commons to control our international relationships should create a greater interest and sense of responsibility in regard to foreign affairs. It would give to treaties a new value and democratic sanctity, as the people would not be pledged to policies they had not endorsed. While the international affairs of States are solely in the hands of a few kings, statesmen, and diplomats, whose actions are hidden in the secrecy of Courts, the possibilities of corruption, intrigue, and dishonesty are manifestly increased, the menace of militarist ambition, armament profiteers, and financial adventurers obviously strengthened.

Largely to this secret diplomacy must be ascribed the unenviable record of broken faiths, elaborate deceptions, and low moral standard which robs diplomatic history of the dignity and honesty which should characterize an authority vested with such enormous responsibilities. An example of the possibilities of corruption in an economic direction is contained in the following excerpt from Dr. Sarolea's book *The Anglo-German Problem*. "When the secret history of the Bagdad Railway is revealed it will become obvious that the interests of France were betrayed mainly by M. Rouvier and his syndicate. We have it on the authority of M. Chéradaine that M. Rouvier, before becoming French Minister of Finance and Prime Minister, controlled



a private bank which had extensive dealings with the omnipotent Deutsche Bank, and which was financially interested in the Great German railway scheme."

Not only could further instances be given where private interests have been placed before public safety or national honour, but where Governments have entered into secret agreements contrary to or inconsistent with previously declared policies, with the subsequent discoveries or confessions, crises and "situations," and a perpetual feeling of insecurity and tension. The Anglo-French Convention of 1904, Mr. J. A. Hobson declares, "is an instructive example of duplicity in the respective statements of its public and its secret articles," the secret clauses absolutely subverting the policy proclaimed.

The operations of investors opposed to the policy of the "Open Door" may also be best served by this system of secrecy. Capital is invested, financial interests rooted, and possibly natives exploited in overseas enterprises, and then the assistance and influence of the Government is invoked to entrench and consolidate the business. The extent of dividends and safety of capital are the only considerations behind the appeals, yet the honour of the State and good political and economic principle is often compromised by this unscrupulous scheming. Indeed, either secret or open, these efforts to monopolize markets, secure "spheres of influence," to the exclusion of competitive trade, are some of the most insidious moves of the moment. Economically unsound, stirring jealousies and reprisals, they carry a superficial conviction in that it can be shown that particular enterprises would benefit, and argued that what is beneficial to one is to the advantage of all. Particular note should be taken of this danger now, as, aided by the passions of the moment, the Protectionist and "economic war after war" people



might successfully launch a measure of their doctrine on the tide of popular feeling serving them for the time being.

A further outstanding feature emerges from a review of past disputes, and that is the question of nationality. A permanent cause of unrest and fruitful source of international quarrels is the existence of States founded on political and military power, rather than on common sympathies or "national" allegiance and the "consent of the governed." After much strife and persistent effort towards expression of this nationalist spirit, something like half of Europe had shaped itself according to such principle by 1878. The remaining portion, however, "represented by the Turkish and Austrian Empires, had only achieved an incomplete and partial victory" and, to quote Professor Ramsay Muir further, "this area, therefore, continued to be the field of fitful disturbances and the sphere of rivalries of the consolidated Powers, and all the troubles and alarms of the last forty years have mainly centred in this region." Coercive methods to stifle the nationalist spirit only serve to intensify its feeling, and all the time there is a desire to seize the first opportunity of reunion with their brethren and regaining national freedom.

Obviously, a condition here obtains, ready for exploitation by any war-seeking Power, apart from the natural impetus of such a people towards revolt.

As it has been shown that the imposition of one nation's will upon another except by consent is impracticable, and that peoples possessing similar speech, customs, and history, tend to gravitate together, the principle of nationality would appear to be the best basis for good government and well balanced States. Whether it is desirable for the smaller nations to become sovereign States, or autonomous parts of a larger State or federation, is mainly a matter of local consideration and so forth.

Although national stability and independence may come with the nation-State, it does not follow that territorial self-satisfaction comes in addition or that the fear of attack will disappear. Indeed, prior to the Pan-German mania Europe has had to resist attempts to establish the dominion of a single Power and the subjugation of other nationalities to a Napoleonic ambition. The latent fears and lurking suspicions of a repetition have created alliances and *ententes* and a desire to obtain a "Balance of Power." As indicated in Mr. Asquith's speech, these efforts towards security have resulted in no permanent remedy but a "precarious equipoise" involving as great if not greater extension of armaments and a wider area of conflict when war occurred.

When plausibly urged that such force is secured for defensive reasons it must be remembered that in this connection the terms "offensive" and "defensive" are easily convertible. Furthermore, the theory implies the existence of parties against whom the combination is directed. While such agreements exist, therefore, it is patent there must be constant suspicion of shifting allegiance and jealousy against the major Powers. The theory may be a necessary stage in the evolution of international diplomacy, but at its best it is an unsatisfactory stage and little security in the way of peace.

Without any new international institution, attention to the foregoing dangers to peace might conceivably lead to some modifications or safeguards.

With a new international institution to which such questions could be referred—say a League of Nations—a real possibility of international security should be at hand.

The League would be an advance upon the "Balance of Power" idea in so far that it would be a combination of all parts against a breaker of the Common Law of the whole instead of a part or

combination of parts against other parts, without a Common Law at all.

The first advantage of the League would be the creation and codification of International Law. The mere existence and proclamation of law is a greater factor in its observance than any punitive measures threatened in the event of its breach. It should be understood, however, that such laws were not for all time, but subject to amendment or addition as changed circumstances demanded. What Mr. Asquith said a few years back in regard to our own law might well be borne in mind in this respect: "The Common Law of England is not a compendium of mechanical rules, written in fixed and indelible characters, but a living organism which has grown and moved in response to the larger and fuller development of the nation." One of the objections raised, is that such a scheme establishes a *status quo*, stereotyping and fixing arrangements which in the course of time might become unjust and even absurd.

There are also the non-justiciable matters to be considered, so the functions of the League should be divided broadly into the Legal, Diplomatic, and Executive; or Arbitration Court, Conciliation Court, and Supreme Council, respectively.

All matters relative to or contingent upon treaties or law established should be dealt with by a Permanent Judicature or International Bench. All other disputes in regard to which no legal provision existed would be dealt with by the Conciliation Court; while the Executive would have the graver task of dealing with refractory powers and questions remitted from the Courts. In all cases, of course, the ordinary diplomatic methods would be employed up to the point of deadlock. And here it should be remarked the whole question of the Diplomatic Service requires thorough investigation. The present £400 per annum monetary qualification

is hopelessly antiquated and contrary to democratic principle. The exclusive and class-biased personnel of our Diplomatic Service in the past has indubitably prejudiced an understanding of the masses in the various countries where the staff may have been stationed. A reform in this way would materially improve the conversations between the Powers and enhance the success of the League suggested. Many irritating arrangements now extant, dictated by the fears, suspicions, and military necessities of the present *régime*, could be dealt with by this Conciliation Court and doubtless disposed of to the satisfaction and ultimate advantage of the States concerned. For example, the retention of Walfisch Bay by the British is an instance where useful work could be done. The Rush-Bagot Treaty in regard to the Great Lakes, and later, the agreement between Britain, France, and the U.S.A. are instances of progress already made in the conciliatory direction. Then the future operations in yet undeveloped lands would provide important work for this Court—staking out interests, so to speak. Economic and commercial matters generally, means of intercourse and exchange, would also afford an extensive field of possible usefulness for the League. Disputes, small in themselves, that in the absence of such facility, intensify in feeling and grow in influence, would be comparatively simple problems for the new administration. Far-reaching principles which now immediately throw the participant States into a condition of passion would prove more formidable subjects, but (we hope) not beyond the tact, impartiality, and strength of the League.

There still remains the question of enforcement of decisions. How would a recalcitrant State be dealt with?

The fact that belligerents in modern warfare depend largely upon "steel and gold," means of

communication, and international credit, tends to reduce the power of the purely military factor and increase the influence of non-military agencies in the conduct and conclusions of the campaign. All this is to the advantage of the scheme. Postal, telegraphic, railway, and shipping communications could be cut off from an offending State, and it is difficult to imagine how a nation could effectively make war in the face of such a boycott. The difficulties in maintaining and controlling an International Force to use against an offending member are so numerous, that it would be preferable in the first instance to allow the services to remain as at present, subject to such agreements for use, reduction, or co-ordination as the League might determine. Absolute disarmament would be a thoroughgoing solution, but unfortunately, at this stage little more than an airy desideratum.

After obtaining sufficient support to establish the League, good ground will exist for propaganda and proposals towards the further aim. To stand aloof from the movement in favour of the League is to delay the advancement towards the larger desire. The state of mind following a great war is not likely to admit so great a leap. To imagine an International Navy, no larger than necessary for policing the seas, engaged in succouring life and making the ocean highways as safe and companionable as a city street, is an alluring dream, but rather too Utopian for a generation with memories of the *Lusitania*, the *Arabic*, and the rest.

In regard to existing alliances, although in an ideal international order they should be superfluous, if not mischievous, it would not be wise to jeopardize the chances of the establishment of the League by insisting that every alliance should be swept away. The most practical course to follow would be to cancel all such alliances as far as possible, excise such conditions absolutely inconsistent



with the minimum demands of the League, and work for the gradual merging of these sectional interests in the interest of the whole.

It is movements towards hegemonies of power and the excesses of nationalism that must be checked. In the long run greater freedom for all nationalities to develop their respective characteristics and capacities should be secured and the world would gain by the active and uninterrupted progress of varieties. The early ideas of a single world-State—the absolute dominion of a central authority—have now disappeared. It is said Napoleon claimed that his ultimate aim was the creation of a European State under French rule with national autonomy, as a remedy for the constant wars and chaos of his day. An earlier Frenchman—the Duc de Sully—however, did conceive a more desirable scheme and really anticipated the League here referred to. Following this another Frenchman—the Abbé de St. Pierre—outlined a more elaborate scheme strikingly similar in conception and construction to the latest schemes suggested.

Kant also published a treatise *Towards Lasting Peace*, a useful reminder in case of indictments of a race.

The weakness of these proposals chiefly was an inadequate recognition of the nationalist spirit and disregard of inevitable growth and provision for change.

The idea of a League is, therefore, no new thing. The actual constitution of the League is, I think, of less importance than its capacity to deal with the problems concerned.

Distinguished jurists chosen from the various nations would naturally be the fittest selection for the Arbitration Court.

For the Conciliation Court, trusted business men, men of good standing in the professions, and other substantial representatives of the political and Trade Union spheres, would provide ample talent. The choice for the executive would be a more deli-



cate matter; but there should be little difficulty in selecting for the necessary quota men of wide experience, depth of character and breadth of mind, keeping the confidence of the Powers and faithfully serving the International.

The League should have worthy and permanent headquarters, say in some ancient City or The Hague. Adequate and competent staffs should be provided, furnishing all the expert assistance necessary to the efficient working of the courts. The most lavish provision would be a trifling joint expense compared with the potential advantages.

Any provision or suggestions that would grip the public mind or arouse popular interest as to the aims and nature of the International "Westminster" would be all to the good of the scheme. Religious, Labour, Socialist, and Scientific organizations might choose the city as a venue for their international meetings or conferences.

The old Socialist "International" should reunite and grow stronger under the shadow of the new structure and develop a virility and steadfastness which should save the respective nations from future chauvinistic outbreaks.

There is one criticism that I have omitted to refer to, and that is the League should be renamed—a "League of Delay." If it were nothing more it would obviate sudden conflagrations, give time for the people to measure the dispute, and save us from the humiliating position of subordinating principle and judgment to the immediate necessities of "now we are in it." But it does more—providing machinery for vigorous but considered action in the meantime and deliverance from one kind of conflict at least. The scheme is not infallible or very novel. It should register the greatest common measure of agreement possible and the highest point of progress practicable at the moment. To move too far in advance of the general capacity

to respond would inevitably spell failure and the subsequent reaction which is worse.

There is a very close connection between the terms of settlement of the present struggle and the prospects of the League as Mr. Brailsford so ably pleads.

The first essential is an insistence that some such scheme should be set up. Along the lines indicated in the foregoing examination of past difficulties and dangers, bold, decisive, and forward-looking judgments should be given.

Attempts to secure an "economic war after war" policy and other purely vindictive aims would tend to defeat the formation and success of the League.

Education and the advent of an International Council securing future peace are the most, and perhaps, only lasting gains that can be secured from the war.

The waste of wealth and sacrifice of life is futile, failing such achievement. Hopes will have been dashed and ideals betrayed if we swerve in our fidelity to such aim.

It is recorded that Napoleon III once remarked to Bismarck, "We must not make events but let them come." The masses who in wartime are marched to death like "dumb driven cattle," and in peacetime are enslaved or taxed to make the means of war, must reverse such dictum. They have seen and suffered, and should now choose and rule.

New occasions teach new duties ; Time makes ancient good  
uncouth ;

They must upward still and onward who would keep abreast  
of Truth.

Lo, before us gleam her camp fires ! We ourselves must  
pilgrims be,

Launch our *Mayflower* and steer boldly through the desperate  
wintry sea,

Nor attempt the Future's portal with the  
Past's blood-rusted key.

J. R. LOWELL.

THE FOLLOWING ESSAY BY  
J. P. PORTER  
("PAI MARIRE")  
WAS AWARDED ONE OF THE PRIZES OF  
5 GUINEAS IN DIVISION III.



## By "PAI MARIRE"<sup>1</sup>

Bronzed seamen . . . saw  
An Empire that should liberate the world ;  
A Power before the lightning of whose arms  
Darkness should die and all oppression cease ;  
A Federation of the strong and weak  
Whereby the weak are strengthened and the strong  
Made stronger in the increasing good of all ;  
A gathering up of one another's loads ;  
A turning of the wasteful rage of war  
To accomplish large and fruitful tasks of peace.

ALFRED NOYES.

### INTRODUCTORY.

Utopian? Yes, it may be. But the impossibilities of to-day have a habit of becoming the realities of to-morrow.

Like a hurricane, cleansing as well as destructive, the war has swept the cloud of smoke and mist from before our eyes, revealing the precipice towards which Europe and the world were hastening, and revealing the neglected path of co-operation along which their peoples may travel in peace.

Brought thus suddenly face to face with disaster, Europe has at last seen clearly the evils which were pushing her to the edge of the abyss—militarism, unsatisfied nationalism, social evils and economic wrongs—and has, one hopes, determined to slay them for ever.

<sup>1</sup> Maori: Peace and goodwill.

## THE SETTLEMENT IN EUROPE.

## BASIS.

Mr. Asquith, in his London and Dublin speeches on the settlement to come, emphasizes three points on which it must be based. These are: the repudiation of militarism, with safeguards against it; the securing of equal opportunity for free development; and the ultimate formation of a partnership of nations based on the first two points.

Liberty from oppression, equality of opportunity, a brotherhood of man—Mr. Asquith's points when examined are but the reassertion of the watchwords of the French Revolution. That France failed in the eighteenth century to interpret her gospel of Liberty, Equality, Fraternity into practical terms is no proof of the unsoundness of her great ideals. Italy adopted them in her glorious resurrection, and, purified by them, France to-day bears her grim ordeal with fortitude.

To deal with militarism and the other points, some established international authority must be supposed. By sketching its functions as we proceed we will thus find what ought to be its status, and what the extent of its powers. In the scope of this essay it will be possible to indicate only the general principles which must underlie the settlement of disputed points. To work out details would not only unduly expand the essay, but would go beyond the subject for discussion.

## MILITARISM.

First, then—safeguards against militarism. Militarism! From the seed of misunderstanding it grows to jealousy and fear, it flowers in the bloom of hate, till finally it produces the poisonous fruit of armaments.

And at the root of militarism we find misunder-



standing. Education, the Press, the Conscript Army have in the past planted and tended it. History taught as hatred for "natural enemies" and as race glorification; sensation, as turned into dollars by the "Yellow Press" editor and the "scare" novelist; slavery of the barracks, imputed by the victim to the "enemy" over the border; from these, as but the natural outcome, we have the shambles of Belgium.

Education and the Press will require careful handling, but the international authority can assume a general control over them, without interfering unduly with the sovereign power of the State. It will be the duty of the international authority, also, to assist the cause of peace by eliminating, as far as possible, the misunderstanding which at present blocks the way. This movement towards understanding can be helped by increased shipping and railway facilities and by bringing together not only the scholars and students but also the working men and women of the different nations.

The Conscript Army—the weapon of militarism—must be broken like a rapier—irreparably. The chance of success for an international police force would, however—unless it were wholly composed of idealists—be very small. Instead the most practical scheme for the suppression of new outbursts of militarism is the League of Nations idea—each nation bound by its honour, in the final case, to uphold the decision of the international authority on disputed points. Such a scheme would, if accepted, be loyally supported by the great Western democracies—Italy, France, Britain, America—and reactionaries would pause if they knew that the opposition of all four would be certain.

#### PRINCIPLE OF NATIONALITY.

In the past, nations obsessed by militarism have extended their frontiers by force to the best possible

strategic position, thus enslaving alien races. This wrong can best be dealt with under the second point of Mr. Asquith's speech—the securing of equal independence and opportunity for all nations.

If public right is to be our guide, we must now accept three principles on which the settlement may be based—and no settlement can be more than a makeshift which does not attempt to reconcile all three. The first is the fundamental doctrine of the Allies—the principle of nationality. The others, the law of economic necessity and the right of strategic independence, are upheld by the Central Powers—as far as their own needs go. They are not willing, however, to let others benefit by them. How are we to interweave these often conflicting principles so as to secure an arrangement in harmony with the ideal of public right?

The principle of nationality, since it deals with men and women, and not merely with goods or land, must be accepted as the primary fact. What this principle implies in Alsace-Lorraine, Schleswig, Poland, Roumania, Serbia, and the Trentino is well known to the most casual reader on international relations. But public right implies fair play for enemy as for friend: the Bulgars of the Vardar and the Dobrudja must be allowed to join their national State.

#### SCHEME OF REPATRIATION.

Often, however, the national groups are as tangled as the patterns of a patchwork quilt. Here a scheme of repatriation, if it were feasible, would help to solve the difficulty. Transylvania, to take one example, will probably be transferred to Roumania under the principle of nationality; but there would still be large minorities under alien rule. Clearly it is better that Europe should not be plunged again into war on account of unsatisfied national ambitions: she should instead find the money to enable and to induce

A—— B——, a Ruthene in Hungary, to remove with his family to Bessarabia, C—— D——, a Roumanian in Bessarabia, to shift to Transylvania, and E—— F——, a Szekler in Transylvania, to remove to A—— B——'s farm in the Carpathians.

This scheme would assist to bring the settlement into accordance with the principle of strategic necessity; if carried through as suggested the national boundary between the Ruthenes and the Magyars would no longer be in the plains of Hungary but along the Carpathian ridge.

Repatriation on so large a scale would be but a clumsy manner of settling the difficulty: crude as it is, however, it is the only method which would enable minorities to join their national States.

#### STRATEGIC NECESSITY.

Bohemia, to which we will next turn, affords a good example of the working of the law of strategic necessity. This country will probably be a subject of very lively discussion at the coming Peace Conference. The Allies have stipulated that the Czecho-Slovaks must be freed from foreign domination. But how far will they go to grant this freedom? The most feasible solution would be the conversion of Austria-Hungary into a Triple Monarchy, stripped of the outlying and discontented provinces. Austria would contain about twelve million Germans, Hungary twelve million Magyars, and Bohemia-Moravia eight million Czecho-Slovaks and three million Germans. When not overawed by Berlin or bullied by Budapest, Austria has proved to be moderately liberal, and thus this solution might have prospects of success.

If, however, the demands of the extreme Bohemian Nationalists are granted, the new State will be "up against" the law of strategic necessity. If Bohemia is to be independent her frontier must extend to the triple wall on the north, east, and west. But this

would mean riding roughshod over the principle of nationality, as within the north and west mountains are a considerable number of Germans. There are, however, an almost equivalent number of Czechs, Slovaks, and Wends in Silesia, North Hungary, and Prussia. An exchange would involve the desertion by the Slovaks of their national territory—it is for them to decide whether the prospects of an independent national State are worth the sacrifice.

The problems of the future union or separation of Austria and Hungary, of the possible union of Austria with South Germany, and of the possible entry of Austria into the German Confederation do not concern us here; the wishes of the peoples affected must decide them.

#### ECONOMIC NECESSITY.

The law of economic necessity, which Germany wants enforced for her benefit, states that every industrial, commercial, and agricultural area must have right of access to the sea. But if Europe is rearranged on national lines, Antwerp and Rotterdam, Dantzig, Trieste and Fiume, Salonika and Smyrna will be cut off from their hinterlands. It will be the duty of the international authority to enact that, in return for satisfied national ambitions, Germany, Poland, Austria, Bohemia and Hungary, Jugoslavia, and Bulgaria and Anatolia must be granted the right of free passage of goods along bonded railways to these ports.

It has been suggested that Constantinople and the Straits be put under international or American control. But would liberal America permit international or Russian control of the Panama Canal zone? . . . Since a settlement on national lines is impossible as Greek, Armenian, Jew, Bulgarian, and Ottoman are hopelessly intermingled, Russian control of the Straits would be a lesser violation of the

principle of nationality than American control of Panama is.

### EXTRA-EUROPEAN WORLD.

Take up the White Man's burden,  
 Send forth the best ye breed;  
 Go, bind your sons to exile  
 To serve your captives' need:  
 To wait in heavy harness  
 On fluttered folk and wild—  
 Your new-caught, sullen peoples,  
 Half-devil and half-child.

KIPLING.

### EXTERNAL RELATIONS.

In the past one of the faults of the great faith of Liberalism has been the limitation of its horizon. This party, if we may so call it, has concentrated too much on social and other internal problems; it was more than willing to grant the theory of national self-government to the extra-European races; but, as time was limited, little was found to spare to help the "little brown brother" on his quest of practical government. Too often the governors appointed to the protectorates have been soldiers or aristocrats, and, while Liberalism flourished at home, in the Dependencies Imperialism was rampant.

With "native" races—we must use the word "native" as "coloured" is even more objectionable and "aboriginal" generally incorrect—Europe is connected by the "colony" system, the "dependency" system, and the "protectorate" system.

In a colony, to restrict the word to the Roman sense, the native race is numerically much larger than the imported race. The latter are chiefly traders and Government officials, but also include a number of settlers. Natal and Algeria are examples of this form of government. Protectorates are

native States protected from enemies and from internal anarchy by the European Power concerned. Nominally, as in Egypt and the native Indian States, the government is in the hands of the sovereign, but in reality the Resident is often supreme. A dependency, unlike a colony, has very few settlers; unlike a protectorate, it has no native dynasty. A colony is "run" for the mutual benefit of settlers and natives, a protectorate or dependency principally in the interests of the natives.

#### EXTRA-EUROPEAN WORLD MUST BE INCLUDED.

Much has been said of late about a United States of Europe—indicating that Europe, in the opinion of the speakers, is a unity but little concerned with the outside world. But the binding ties between Britain and Australia, Holland and Java are infinitely stronger than those between Finland and Portugal, Norway and Bulgaria.

Should the Peace Conference delegates erect a new house for Europe, even though it is built on the rock of public right it will not stand if the wind and wave forces of the extra-European world are neglected. In this extra-European world, which we have said cannot be left out from the settlement, the principles enunciated by Mr. Asquith still apply, though in modified forms suitable to each particular case.

The expulsion of the German from Africa and the Pacific and the treatment of the natives in Kamerun and in East Africa have shown that it would be a direct violation of the ideal of public right to hand back any native people to Germany for protection and guidance. How far this might be modified, if Germany should indeed return to the state Carlyle knew her in, will be indicated later.



## PRINCIPLE OF NATIONALITY.

Mr. Asquith's second principle—equality of independence and opportunity for development—can again be divided into laws of nationality, of strategic necessity, and of economic necessity. To these must be added a fourth—of room for expansion.

True, nations are as yet but few in this vast unsettled region. As in the "Egypt for the Egyptians" party, there is a widespread burlesque of nationalism, but such parties are anarchic rather than constructive, consist chiefly of young students educated in Europe and of religious fanatics, and have but little affected the peoples. It will be the duty of Europe in drawing up the settlement to leave room for potential nationalities rather than to grant self-government to established nations.

China and India are such potential nationalities—much nearer the kinetic stage than most native peoples. There are two forces which retard a full development of the Indian races—language and the caste system. By an irony of fate, it is probable that English will become the lingua franca of this many-tongued continent; with the caste system the Indian himself must be left to deal.

We have said "room must be left for potential nationalities." Where a race which may one day become a nation is already protected by a number of European States, as, for example, the negroes of Sudan and the Niger basin, an advisory Council should be formed by the international authority to secure uniform systems of government and of law, and if possible the institution of a common language. Where the protectorates are but recent, on the other hand, and not yet established they might be handed over to a single State. Thus British and Italian Somaliland, Obock, Eritrea, and Abyssinia form practically one racial block cut off from the Sudan

by geography. These could be united under Italian protection, Obock and British Somaliland being handed to Italy in return, say, for the renunciation of her claims in Dalmatia and in Anatolia.

#### ECONOMIC AND STRATEGIC NECESSITY.

Economic necessity operates less at present in the extra-European world than in Europe. Two cases, however, must be righted—not for the needs of the present but for the future. The eastern part of the Siberian railway to Vladivostock should be placed in Russian hands by a protectorate over northern Manchuria, while the Transvaal and Rhodesia should be connected to their natural outlets in Portuguese East Africa by the bonded railway system already advocated for Europe.

In redrawing the lines of protectorates, strategic necessity must of course be considered. Thus Mesopotamia is claimed for India both as a useful territory for expansion and as an outpost against European aggression. Here it must be noted that India is a nation with rights, desires, and necessities of her own. These must not be mistakenly classed as British Imperialism.

Similarly the other nations of the Commonwealth—Canada, Australasia, South Africa, Egypt—must be considered, not as dependencies of Britain, but as small States on an equal footing with Holland, Belgium, and Denmark. Their wishes in the past have often run counter to the policy of Great Britain; in the future both sides must be considered before a just settlement can be arrived at.

#### EXPANSION.

The right of expansion may be stated thus: If any territory suitable for colonization is sparsely held by a race which cannot populate it properly,

permission for colonization should be given to some race which is too numerous for its present territory. The rights of the inhabiting races can be secured either by concentration in a smaller area or by placing them on an equal footing with the colonists, with separate racial electoral areas such as exist at present for Maoris and Pakehas<sup>1</sup> in New Zealand.

In the British Dominions the Scando-Saxons—or Low German race—have ample room to expand. Similarly the Slavs have Siberia and the Latins South America, but the Teutonic races have no territory allotted to them. The United States are open to all—but here the Germans would lose their individuality. Both in U.S.A. and in South America, however, it might be possible to make room for a fuller German expansion in special areas. One thing is necessary: the German culture—not the kultur of Nietzsche, but the culture of Goethe and Schiller—must be allowed to develop freely side by side with those which owe their origins to England and Spain.

The Indian and Mongolian races feel the need for expansion even more than the Teutons and, owing to white domination, have had even less chance to give expression to it. Mesopotamia and East Africa for the Indian, North Australia, Central America, and the Amazon basin for the Chinese and Japanese—tropical countries unsuitable for white settlement—these are the natural outlets, but in all the white man blocks the way. The flood-gate he guards must be opened—voluntarily—or the whole of the dam will creak, give way, crumble to ruin—

And as fierce floods  
Before them all things drown,

the white man will be swept, not from these tropical regions only, but from all lands, continent or island, where his footing is not yet secured.

<sup>1</sup> White men.

## THE INTERNATIONAL AUTHORITY.

## STATUS.

Now that we have glanced at the functions and duties of the postulated international authority, we may try to determine its form. This will not be of a cast-iron nature, but, like a delicately tempered spring, will change and adapt itself to new conditions.

Mr. Asquith wants to see established "a great partnership of nations federated together in the joint pursuit of a freer and fuller life for countless millions." When a provisional settlement—a permanent settlement, like a permanent or cast-iron form of government is worse than useless—has been arrived at by the Peace Conference, some international authority, whose duty it will be to adjust the settlement to changing conditions, must be set up. This controlling power will, as the years go by, become stronger and more stable. Its forms will be: a league of nations, a loose federation, and a closely bound Commonwealth; the first two and the initiation of the third covering perhaps a period of five or six generations—150 or 200 years.

Under the League of Nations there will be, not an elected Council, but merely an extension of the Hague Conference, by which international disputes relating to nationality and trade can be settled peacefully. Its power will consist of its right to call on the various States to uphold and enforce, by economic blockade, and by force if necessary, its decisions on disputed points.

When this later develops into the federation of nations, an elected Council will be established with legislative and executive powers though limited in scope. During this period the power of control of armies and navies will be concentrated more and more in the International Council.

In what appears at present as the final stage—the world-Commonwealth—the international authority will develop into a real world-Parliament: it will be the one sovereign power of the earth. The international police force will become a reality and will pass almost completely under its control.

#### EXAMPLE OF BRITISH COMMONWEALTH.

This idea of gradual development towards closer unity follows the lines along which our great British Commonwealth is at present working. The British Empire—the League of Nations—has passed away, and in its place is arising the British federation: this will develop later into a Commonwealth of the peoples, wherein men whose skins are black and brown, yellow and white, who follow the religions of Buddha and Mahomet, Moses and Christ, will co-operate in a unity—

Whereby the weak are strengthened and the strong  
Made stronger in the increasing good of all.

Our Empire then, developing and co-operating thus, will point the way for the world-Commonwealth; all the great races except the Slavonic are represented in it, so that its methods of dealing with difficulties, if successful, could well be adopted by the United States of the world.

#### POWERS OF THE COUNCIL.

The powers of the international authority during the first two periods of its existence will practically be confined to arbitration, naval and military control, and trade.

Under the League of Nations scheme the idea of the originators is to make arbitration before war is declared compulsory. If a three months' time limit

were attached by International Law to any ultimatum, the threatened State would have time to appeal to the Tribunal. Any State which ignored or refused to submit to the settlement arrived at would automatically become an outlaw and would be opposed by the economic and military forces of the League. The Tribunal should also be a court of appeal for the settlement of disputes arising from the principle of nationality. Thus any racial, language, or religious group which at present has no consciousness of its own, may appeal when it becomes self-conscious for the right of autonomy or of transfer to its national State.

At present the formation of an international police force to supersede national armies and fleets would be useless ; it would lack cohesion and that *esprit de corps* which is essential in a fighting force. The power of the League then depends on its members responding honourably to its call ; the various nations must remain at present in control of their own forces.

#### ARMAMENTS.

We have said that conscript armies should be abolished ; in their place each State might be asked to maintain a voluntary standing Army of limited size, ready to enforce the decisions of the Council. These would be supported by Citizen Reserves trained on the national military training scheme already in force in Australia and New Zealand. Unlike conscript armies, these territorial forces do not interfere with democratic government, for the young men are in civil occupations for all but two or three hours per week.

Naval forces are on a totally different footing from military power ; the international authority must, however, have the right to check their unlimited expansion. This limitation could be arranged in relation to strength of mercantile marine, length of



coast line, and status of the State in the world-system.

Thus each State could be permitted to maintain a certain number of fleet units for every million tons register and a certain number for every thousand miles of coast to be defended. Frozen coasts as in Siberia and Northern Canada would not count, of course, while ten miles, say, of a protectorate's coast might be considered as equivalent to one mile of home coast.

According to its status and financial power each State might be asked also to provide a certain number of fleet units to assist in enforcing the will of the International Council. A fleet unit would consist of one capital ship and a certain number of ships of other classes ; the working out of details would be a matter for arrangement by the Council.

For the past hundred years the British Navy has been acting, not merely as the national fleet of Britain, but as a world-wide police force ; it has swept slavers, pirates, and gun-runners from the seas. Until such time as loyalty to the international authority becomes in general stronger than loyalty to national States, the British fleet would in reality continue to perform this duty.

#### TRADE.

With inter-State trade in Europe the Council will have advisory but not compulsory powers ; but it should have power to control trade with native territories. Dependencies and Protectorates must be "run" first for the benefit of the native race, and thereafter for the general benefit of the world, as represented by the Council. In such places as Togoland and Egypt the protecting Power will merely be the agent of the Council. In such native territories trade must be open to all nations ; if duties are imposed they must be equal for all and the revenue used for the benefit of the territory. At the same

time, to prevent international dispute, trade areas should be marked out and recognized by the States concerned.

#### GERMAN RESTORATION.

It has been demanded that Germany should be put outside the comity of nations for a number of years. In view of her methods with native races, it is but right that she should have no sovereign power outside her national boundary for some time to come ; the European States, too, can close their markets to her if they wish ; but they have no right to interfere with her trade among neutrals and native States, and it would be unwise for them to exclude her from the International Council.

Sooner or later, unless she persists in holding to her present doctrines and methods of government, she must be restored to full equality with the other Great Powers of Europe. As far as the Allies are concerned, her trade with Asia Minor, with North and South America cannot be interfered with ; she will continue to be a formidable trade competitor, and, in this legitimate competition, better and more scientific workmanship is the only right equipment for British trade.

Of her colonies it is improbable that any, save perhaps Kamerun will be restored to her. But, when she is readmitted to equality with the other Powers, it will be possible to invite her co-operation in the protection and control of native races. There are, among our allies and the neutrals, States who have long controlled native territories, but who have proved incapable of carrying out these duties. They might be asked, in return for trade and financial compensation, to relinquish their burdens ; these could be assumed by a reformed Germany.

But it is not only Germany who must change at heart. It is an axiom of the science of government that, no matter how just the machinery of govern-

ment is, corruption, graft, reaction will certainly appear unless the spirit of the people and of the "ruling classes" is pure and straight. Education is advocated widely, but education is only a means to an end; the end is mutual understanding and the will to do the right thing, and until that end is reached the ideal world-Council will be impossible.

### SPIRIT OF THE SETTLEMENT.

Earth hath not been the same since then,  
Europe from thee received a soul,  
Whence nations move in law, like men,  
As members of a mightier whole,  
Till wars were ended——

NOYES.

Till wars were ended—then?—peace?

No, for peace, permanence, satisfaction with things as they are, lead to stagnation, decay sets in, then—death!

The ending of war will but be the clearing of the arena for the nobler, more subtle struggle; "for we wrestle not against flesh and blood, but against principalities, against powers, against the rulers of the darkness of this world, against spiritual wickedness in high places."

The material forces of evil have always been easier to combat than the spiritual ones, and we must not rest even for a moment till class hatreds, industrial and economic wrongs, and social evils are swept from the path which leads to the goal of justice and equality. Our weapons in this conflict will be education and the various features of our modern life—the Press, the bookstall, the railways and liners—which can be utilized to promote a better understanding as between man and man, between race and race.

One language for the earth would also be a powerful weapon. This ideal is very far from attainment ; but our English language is already widely used as a lingua franca ; it is the language of 150 millions of whites, and it is the medium of intercourse between Europe and North America and the great native divisions—China, Japan, India, Africa, and, to a certain extent, South America.

One fear is roused by the international movement, that men will all become like one another—that individuality will vanish. But if internationalism is founded on nationalism, on the right of each nation to a “corporate consciousness of its own,” the new earth will be a finely harmonized mosaic of definite colours—not a grey, homogeneous neutral mass.

And finally, to come to the personal element, what can each man and woman do ? The engineer can build railways, the traveller and student can open the eyes of their own nations to the real character of others, the missionary and civil servant can help the “little brown brother” in his search for social justice and good government, and the stay-at-home can try to realize the standpoint of the men beyond the frontiers. No effort is wasted :—

Men may fight  
 And sweep away that evil, if no more,  
 At least from the small circle of their swords ;  
 Then die, content if they have struck one stroke  
 For freedom, knowledge, brotherhood—one stroke  
 To hasten that great kingdom God proclaims  
 Each morning through the trumpets of the Dawn.  
NOYES.



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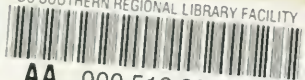
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